

Senate File 514 - Reprinted

SENATE FILE 514
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1123)

(As Amended and Passed by the Senate March 7, 2023)

A BILL FOR

1 An Act relating to the organization, structure, and
2 functions of state government, providing for salaries of
3 appointed state officers, providing for penalties, making
4 appropriations, providing Code editor directives and
5 transition provisions, and including applicability and
6 effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Section 1. Section 2.56, subsection 5, Code 2023, is amended to read as follows:

5. The legislative services agency, in cooperation with the ~~division of~~ department of health and human services as the agency responsible for criminal and juvenile justice planning ~~of the department of human rights~~, shall develop a protocol for analyzing the impact of the legislation on minorities.

Sec. 2. Section 7A.3, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Director of the ~~department of~~ health and human services.

Sec. 3. Section 7A.30, subsection 1, Code 2023, is amended to read as follows:

1. Each state board, commission, department, and division of state government and each institution under the control of the department of health and human services, the Iowa department of corrections and the state board of regents and each division of the state department of transportation are responsible for keeping a written, detailed, up-to-date inventory of all real and personal property belonging to the state and under their charge, control, and management. The inventories shall be in the form prescribed by the director of the department of administrative services.

Sec. 4. Section 7D.29, subsection 3, Code 2023, is amended to read as follows:

3. The executive council shall receive requests from the Iowa department of public health and human services relative to the purchase, storing, and distribution of vaccines and medication for prevention, prophylaxis, or treatment. Upon review and after compliance with subsection 2, the executive council may approve the request and may authorize payment of the necessary expense. The expense authorized by the executive council under this subsection shall be paid from the appropriations referred to in subsection 1.

1 Sec. 5. Section 7E.5, subsection 1, paragraphs i, j, k, and
2 s, Code 2023, are amended to read as follows:

3 *i.* The department of health and human services, created in
4 ~~section 217.1,~~ which has primary responsibility for services
5 to individuals to promote the well-being and the social and
6 economic development of the people of the state;;

7 ~~*j.* The Iowa department of public health, created in chapter~~
8 ~~135, which has primary responsibility for supervision of public~~
9 ~~health programs, promotion of public hygiene and sanitation,~~
10 ~~treatment and prevention of substance abuse~~ use disorder, and
11 ~~enforcement of related laws;~~

12 ~~*k.* The department on aging, created in section 231.21,~~
13 ~~which has primary responsibility for leadership and program~~
14 ~~management for programs which serve the older individuals of~~
15 ~~the state; and for services relating to Latino persons, women,~~
16 persons with disabilities, community action agencies, criminal
17 and juvenile justice planning, African Americans, deaf and
18 hard-of-hearing persons, persons of Asian and Pacific Islander
19 heritage, and Native Americans.

20 ~~*s.* The department of human rights, created in section~~
21 ~~216A.1, which has primary responsibility for services relating~~
22 ~~to Latino persons, women, persons with disabilities, community~~
23 ~~action agencies, criminal and juvenile justice planning,~~
24 ~~African Americans, deaf and hard-of-hearing persons, persons of~~
25 ~~Asian and Pacific Islander heritage, and Native Americans.~~

26 Sec. 6. Section 8.39, subsection 2, Code 2023, is amended
27 to read as follows:

28 2. If the appropriation of a department, institution, or
29 agency is insufficient to properly meet the legitimate expenses
30 of the department, institution, or agency, the director, with
31 the approval of the governor, may make an interdepartmental
32 transfer from any other department, institution, or agency of
33 the state having an appropriation in excess of its needs, of
34 sufficient funds to meet that deficiency. Such transfer shall
35 be to an appropriation made from the same funding source and

1 within the same fiscal year. The amount of a transfer made
 2 from an appropriation under this subsection shall be limited
 3 to not more than one-tenth of one percent of the total of all
 4 appropriations made from the funding source of the transferred
 5 appropriation for the fiscal year in which the transfer is
 6 made. An interdepartmental transfer to an appropriation which
 7 is not an entitlement appropriation is not authorized when
 8 the general assembly is in regular session and, in addition,
 9 the sum of interdepartmental transfers in a fiscal year to an
 10 appropriation which is not an entitlement appropriation shall
 11 not exceed fifty percent of the amount of the appropriation
 12 as enacted by the general assembly. For the purposes of
 13 this subsection, an entitlement appropriation is a line item
 14 appropriation to the state public defender for indigent defense
 15 or to the department of health and human services for foster
 16 care, state supplementary assistance, ~~or~~ medical assistance, or
 17 for the family investment program.

18 Sec. 7. Section 8A.321, subsection 4, Code 2023, is amended
 19 to read as follows:

20 4. Contract, with the approval of the executive council,
 21 for the repair, remodeling, or, if the condition warrants,
 22 demolition of all buildings and grounds of the state at the
 23 seat of government, at the state laboratories facility in
 24 Ankeny, and the institutions of the department of health and
 25 human services and the department of corrections for which no
 26 specific appropriation has been made, if the cost of repair,
 27 remodeling, or demolition will not exceed one hundred thousand
 28 dollars when completed. The cost of repair projects for which
 29 no specific appropriation has been made shall be paid as an
 30 expense authorized by the executive council as provided in
 31 section 7D.29.

32 Sec. 8. Section 8A.362, subsection 8, Code 2023, is amended
 33 to read as follows:

34 8. All fuel used in state-assigned automobiles shall be
 35 purchased at cost from the various installations or garages

1 of the state department of transportation, state board of
 2 regents, department of health and human services, or state
 3 motor pools throughout the state, unless the state-owned
 4 sources for the purchase of fuel are not reasonably accessible.
 5 If the director determines that state-owned sources for the
 6 purchase of fuel are not reasonably accessible, the director
 7 shall authorize the purchase of fuel from other sources. The
 8 director may prescribe a manner, other than the use of the
 9 revolving fund, in which the purchase of fuel from state-owned
 10 sources is charged to the state agency responsible for the
 11 use of the motor vehicle. The director shall prescribe the
 12 manner in which oil and other normal motor vehicle maintenance
 13 for state-owned motor vehicles may be purchased from private
 14 sources, if they cannot be reasonably obtained from a state
 15 motor pool. The director may advertise for bids and award
 16 contracts in accordance with competitive bidding procedures
 17 for items and services as provided in this subchapter for
 18 furnishing fuel, oil, grease, and vehicle replacement parts for
 19 all state-owned motor vehicles. The director and other state
 20 agencies, when advertising for bids for gasoline, shall also
 21 seek bids for ethanol blended gasoline.

22 Sec. 9. Section 8A.504, subsection 1, paragraph d,
 23 subparagraph (1), Code 2023, is amended to read as follows:

24 (1) Any debt, which is assigned to the department of health
 25 and human services, or which is owed to the department of
 26 health and human services for unpaid premiums under section
 27 249A.3, subsection 2, paragraph "a", subparagraph (1), or
 28 which ~~the child support recovery unit~~ services is otherwise
 29 attempting to collect, or which ~~the foster care recovery unit~~
 30 services of the department of health and human services is
 31 attempting to collect on behalf of a child receiving foster
 32 care provided by the department of health and human services.

33 Sec. 10. Section 8A.504, subsection 2, unnumbered paragraph
 34 1, Code 2023, is amended to read as follows:

35 The collection entity shall establish and maintain a

1 procedure to set off against any claim owed to a person by a
 2 public agency any liability of that person owed to a public
 3 agency, a support debt being enforced by ~~the~~ child support
 4 ~~recovery unit~~ services pursuant to chapter 252B, or such other
 5 qualifying debt. The procedure shall only apply when at the
 6 discretion of the director it is feasible. The procedure shall
 7 meet the following conditions:

8 Sec. 11. Section 8A.512, subsection 1, paragraph b,
 9 subparagraph (2), Code 2023, is amended to read as follows:

10 (2) Claims for medical assistance payments authorized under
 11 chapter 249A are subject to the time limits imposed by rule
 12 adopted by the department of health and human services.

13 Sec. 12. Section 10A.108, Code 2023, is amended to read as
 14 follows:

15 **10A.108 Improper health and human services entitlement**
 16 **benefits or provider payments — debt, lien, collection.**

17 1. *a.* If a person refuses or neglects to repay benefits or
 18 provider payments inappropriately obtained from the department
 19 of health and human services, the amount inappropriately
 20 obtained, including any interest, penalty, or costs attached
 21 to the amount, constitutes a debt and is a lien in favor of the
 22 state upon all property and any rights or title to or interest
 23 in property, whether real or personal, belonging to the person
 24 for the period established in subsection 2, with the exception
 25 of property which is exempt from execution pursuant to chapter
 26 627.

27 *b.* A lien under this section shall not attach to any amount
 28 of inappropriately obtained benefits or provider payments, or
 29 portions of the benefits or provider payments, attributable to
 30 errors by the department of health and human services. Liens
 31 shall only attach to the amounts of inappropriately obtained
 32 benefits or provider payments or portions of the benefits or
 33 provider payments which were obtained due to false, misleading,
 34 incomplete, or inaccurate information submitted by a person in
 35 connection with the application for or receipt of benefits or

1 provider payments.

2 2. *a.* The lien attaches at the time the notice of the
3 lien is filed under subsection 3, and continues for ten years
4 from that date, unless released or otherwise discharged at an
5 earlier time.

6 *b.* The lien may be extended, within ten years from the
7 date of attachment, if a person files a notice with the county
8 recorder or other appropriate county official of the county
9 in which the property is located at the time of filing the
10 extension. From the time of the filing of the notice, the lien
11 period shall be extended for ten years to apply to the property
12 in the county in which the notice is filed, unless released
13 or otherwise discharged at an earlier time. The number of
14 extensions is not limited.

15 *c.* The ~~director~~ department shall discharge any lien which is
16 allowed to lapse and may charge off any account and release the
17 corresponding lien before the lien has lapsed if the ~~director~~
18 department determines, under uniform rules prescribed by the
19 director, that the account is uncollectible or collection costs
20 involved would not warrant collection of the amount due.

21 3. To preserve the lien against subsequent mortgagees,
22 purchasers, or judgment creditors, for value and without notice
23 of the lien, on any property located in a county, the director
24 shall file a notice of the lien with the recorder of the county
25 in which the property is located at the time of filing of the
26 notice.

27 4. The county recorder of each county shall prepare
28 and maintain in the recorder's office an index of liens of
29 debts established based upon benefits or provider payments
30 inappropriately obtained from and owed the department of health
31 and human services, containing the applicable entries specified
32 in sections 558.49 and 558.52, and providing appropriate
33 columns for all of the following data, under the names of
34 debtors, arranged alphabetically:

35 *a.* The name of the debtor.

1 *b.* "State of Iowa, Department of Health and Human Services"
2 as claimant.

3 *c.* The time that the notice of the lien was filed for
4 recording.

5 *d.* The date of notice.

6 *e.* The amount of the lien currently due.

7 *f.* The date of the assessment.

8 *g.* The date of satisfaction of the debt.

9 *h.* Any extension of the time period for application of the
10 lien and the date that the notice for extension was filed.

11 5. The recorder shall endorse on each notice of lien the day
12 and time filed for recording and the document reference number,
13 and shall preserve the notice. The recorder shall index the
14 notice and shall record the lien in the manner provided for
15 recording real estate mortgages. The lien is effective from
16 the time of the indexing.

17 6. The department shall pay, from moneys appropriated to
18 the department for this purpose, recording fees as provided in
19 section 331.604, for the recording of the lien.

20 7. Upon payment of a debt for which the ~~director~~ department
21 has filed notice with a county recorder, the ~~director~~
22 department shall provide to the debtor a satisfaction of
23 the debt. The debtor shall be responsible for filing the
24 satisfaction of the debt with the recorder and the recorder
25 shall enter the satisfaction on the notice on file in the
26 recorder's office.

27 8. The department of inspections, and appeals, and
28 licensing, as provided in this chapter and chapter 626, shall
29 proceed to collect all debts owed the department of health and
30 human services as soon as practicable after the debt becomes
31 delinquent. If service has not been made on a distress warrant
32 by the officer to whom addressed within five days from the
33 date the distress warrant was received by the officer, the
34 authorized investigators of the department of inspections, and
35 appeals, and licensing may serve and make return of the warrant

1 to the clerk of the district court of the county named in the
2 distress warrant, and all subsequent procedures shall be in
3 compliance with chapter 626.

4 9. The distress warrant shall be in a form as prescribed
5 by the director, shall be directed to the sheriff of the
6 appropriate county, and shall identify the debtor, the type
7 of debt, and the delinquent amount. The distress warrant
8 shall direct the sheriff to distrain, seize, garnish, or levy
9 upon, and sell, as provided by law, any real or personal
10 property belonging to the debtor to satisfy the amount of the
11 delinquency plus costs. The distress warrant shall also direct
12 the sheriff to make due and prompt return to the department
13 or to the district court under chapter 626 of all amounts
14 collected.

15 10. The attorney general, upon the request of the director
16 of inspections, and appeals, and licensing, shall bring an
17 action, as the facts may justify, without bond, to enforce
18 payment of any debts under this section, and in the action
19 the attorney general shall have the assistance of the county
20 attorney of the county in which the action is pending.

21 11. The remedies of the state shall be cumulative and no
22 action taken by the director of inspections, and appeals, and
23 licensing or attorney general shall be construed to be an
24 election on the part of the state or any of its officers to
25 pursue any remedy to the exclusion of any other remedy provided
26 by law.

27 Sec. 13. Section 10A.402, subsections 4 and 5, Code 2023,
28 are amended to read as follows:

29 4. Investigations and collections relative to the
30 liquidation of overpayment debts owed to the department of
31 health and human services. Collection methods include but are
32 not limited to small claims filings, debt setoff, distress
33 warrants, and repayment agreements, and are subject to approval
34 by the department of health and human services.

35 5. Investigations relative to the administration of the

1 state supplementary assistance program, the state medical
2 assistance program, the ~~food-stamp~~ supplemental nutrition
3 assistance program, the family investment program, and any
4 other state or federal benefit assistance program.

5 Sec. 14. Section 11.5B, Code 2023, is amended to read as
6 follows:

7 **11.5B Repayment of audit expenses by state departments and**
8 **agencies.**

9 The auditor of state shall be reimbursed by a department
10 or agency for performing audits or examinations of the
11 following state departments or agencies, or funds received by
12 a department or agency:

- 13 1. Department of commerce.
- 14 2. Department of health and human services.
- 15 3. State department of transportation.
- 16 ~~4. Iowa department of public health.~~
- 17 ~~5.~~ 4. State board of regents.
- 18 ~~6.~~ 5. Department of agriculture and land stewardship.
- 19 ~~7.~~ 6. Iowa veterans home.
- 20 ~~8.~~ 7. Department of education.
- 21 ~~9.~~ 8. Department of workforce development.
- 22 ~~10.~~ 9. Department of natural resources.
- 23 ~~11.~~ 10. Offices of the clerks of the district court of the
24 judicial branch.
- 25 ~~12.~~ 11. The Iowa public employees' retirement system.
- 26 ~~13.~~ 12. Federal financial assistance, as defined in the
27 federal Single Audit Act, 31 U.S.C. §7501, et seq., received by
28 all other departments.
- 29 ~~14.~~ 13. Department of administrative services.
- 30 ~~15.~~ 14. Office of the chief information officer of the
31 department of management.

32 Sec. 15. Section 11.6, subsection 1, paragraph b, Code 2023,
33 is amended to read as follows:

34 b. The financial condition and transactions of community
35 mental health centers organized under chapter 230A, substance

1 ~~abuse~~ use disorder programs organized under chapter 125, and
2 community action agencies organized under chapter 216A, shall
3 be audited at least once each year.

4 Sec. 16. Section 12.10, Code 2023, is amended to read as
5 follows:

6 **12.10 Deposits by state officers.**

7 Except as otherwise provided, all elective and appointive
8 state officers, boards, commissions, and departments shall,
9 within ten days succeeding the collection, deposit with the
10 treasurer of state, or to the credit of the treasurer of state
11 in any depository designated by the treasurer of state, ninety
12 percent of all fees, commissions, and moneys collected or
13 received. The balance actually collected in cash, remaining
14 in the hands of any officer, board, or department shall not
15 exceed the sum of five thousand dollars and money collected
16 shall not be held more than thirty days. This section does not
17 apply to the state fair board, the state board of regents, the
18 utilities board of the department of commerce, the director of
19 ~~the department of~~ health and human services, the Iowa finance
20 authority, or to the funds received by the state racing and
21 gaming commission under sections 99D.7 and 99D.14.

22 Sec. 17. Section 12E.3A, subsection 1, Code 2023, is amended
23 to read as follows:

24 1. The general assembly reaffirms and reenacts the purposes
25 stated for the use of moneys deposited in the healthy Iowans
26 tobacco trust, as the purposes were enacted in 2000 Iowa Acts,
27 ch. 1232, §12, and codified in section 12.65, Code 2007, as
28 the purposes for the endowment for Iowa's health account.
29 The purposes include those purposes related to health care,
30 substance ~~abuse~~ use disorder treatment and enforcement, tobacco
31 use prevention and control, and other purposes related to the
32 needs of children, adults, and families in the state.

33 Sec. 18. Section 15.102, subsection 12, paragraph b,
34 subparagraph (1), subparagraph division (d), Code 2023, is
35 amended to read as follows:

1 (d) Psychoactive substance ~~abuse~~ use disorders resulting
2 from current illegal use of drugs.

3 Sec. 19. Section 15H.1A, Code 2023, is amended to read as
4 follows:

5 **15H.1A Definitions.**

6 For purposes of this chapter, unless the context otherwise
7 requires:

8 ~~1. "Authority" means the economic development authority~~
9 ~~created in section 15.105.~~

10 ~~2. 1. "Commission" means the Iowa commission on volunteer~~
11 ~~service created in section 15H.2.~~

12 2. "Department" means the department of health and human
13 services.

14 ~~3. "Director" means the director of the authority~~ health and
15 human services.

16 Sec. 20. Section 15H.2, subsection 1, Code 2023, is amended
17 to read as follows:

18 1. The Iowa commission on volunteer service is created
19 within the authority department. The governor shall appoint
20 the commission's members. The director may employ personnel
21 as necessary to carry out the duties and responsibilities of
22 the commission.

23 Sec. 21. Section 15H.2, subsection 3, paragraph i, Code
24 2023, is amended to read as follows:

25 *i.* Administer the retired and senior volunteer program.

26 Sec. 22. Section 15H.4, subsection 1, Code 2023, is amended
27 to read as follows:

28 1. The authority department shall serve as the lead agency
29 for administration of the commission. The authority department
30 may consult with the department of education, the state board
31 of regents, and the department of workforce development for any
32 additional administrative support as necessary to fulfill the
33 duties of the commission. All other state agencies, at the
34 request of the authority department, shall provide assistance
35 to the commission to ensure a fully coordinated state effort

1 for promoting national and community service.

2 Sec. 23. Section 15H.5, subsection 5, paragraph a, Code
3 2023, is amended to read as follows:

4 a. Funding for the Iowa summer youth corps program, the
5 Iowa green corps program established pursuant to section
6 15H.6, the Iowa reading corps program established pursuant to
7 section 15H.7, the RefugeeRISE AmeriCorps program established
8 pursuant to section 15H.8, and the Iowa national service
9 corps program established pursuant to section 15H.9 shall be
10 obtained from private sector, and local, state, and federal
11 government sources, or from other available funds credited
12 to the community programs account, which shall be created
13 within the ~~economic development authority~~ department under the
14 authority of the commission. Moneys available in the account
15 for a fiscal year are appropriated to the commission to be
16 used for the programs. The commission may establish an escrow
17 account within the authority department and obligate moneys
18 within that escrow account for tuition or program payments to
19 be made beyond the term of any fiscal year. Notwithstanding
20 section 12C.7, subsection 2, interest earned on moneys in the
21 community programs account shall be credited to the account.
22 Notwithstanding section 8.33, moneys in the community programs
23 account or escrow account shall not revert to the general fund
24 but shall remain available for expenditure in future fiscal
25 years.

26 Sec. 24. Section 15H.8, Code 2023, is amended to read as
27 follows:

28 **15H.8 RefugeeRISE AmeriCorps program.**

29 1. a. The commission, in collaboration with the department
30 ~~of human services~~, shall establish a Refugee Rebuild,
31 Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program
32 to increase community integration and engagement for diverse
33 refugee communities in rural and urban areas across the state.

34 b. The commission, in collaboration with the department
35 ~~of human services~~, may adopt rules pursuant to chapter 17A to

1 implement and administer this section.

2 2. The commission may use moneys in and lawfully available
3 to the community programs account created in section 15H.5 to
4 fund the program.

5 3. The commission shall submit an annual report to the
6 general assembly and the department of ~~human services~~ relating
7 to the efficacy of the program.

8 Sec. 25. Section 15H.10, subsection 6, Code 2023, is amended
9 to read as follows:

10 6. Notwithstanding section 8.33, moneys appropriated to
11 the ~~economic development authority~~ department for allocation
12 to the commission for purposes of this section that remain
13 unencumbered or unobligated at the close of a fiscal year
14 shall not revert but shall remain available to be used for the
15 purposes designated in this section until the close of the
16 succeeding fiscal year.

17 Sec. 26. Section 16.2D, subsection 1, Code 2023, is amended
18 to read as follows:

19 1. A council on homelessness is created ~~consisting of twenty~~
20 ~~members, eleven of whom are voting members and nine of whom are~~
21 ~~nonvoting members.~~ At all times, at least one voting member
22 shall be a member of a minority group.

23 Sec. 27. Section 16.2D, subsection 2, paragraph b, Code
24 2023, is amended to read as follows:

25 ~~b. Nine nonvoting~~ Nonvoting agency director members
26 consisting of all of the following:

27 (1) The director of the department of education or the
28 director's designee.

29 (2) The director of health and human services or the
30 director's designee.

31 (3) The attorney general or the attorney general's
32 designee.

33 ~~(4) The director of public health or the director's~~
34 ~~designee.~~

35 ~~(5) The director of the department on aging or the~~

1 ~~director's designee.~~

2 ~~(6)~~ (4) The director of the department of corrections or
3 the director's designee.

4 ~~(7)~~ (5) The director of the department of workforce
5 development or the director's designee.

6 ~~(8)~~ (6) The executive director of the Iowa finance
7 authority or the executive director's designee.

8 ~~(9)~~ (7) The director of the department of veterans affairs
9 or the director's designee.

10 Sec. 28. Section 16.3, subsection 9, Code 2023, is amended
11 to read as follows:

12 9. The interest costs paid by group homes of fifteen beds or
13 less licensed as health care facilities or child foster care
14 facilities for facility acquisition and indirectly reimbursed
15 by the department of health and human services through payments
16 for patients at those facilities who are recipients of medical
17 assistance or state supplementary assistance are severe drains
18 on the state's budget. A reduction in these costs obtained
19 through financing with tax-exempt revenue bonds would clearly
20 be in the public interest.

21 Sec. 29. Section 16.47, subsection 3, Code 2023, is amended
22 to read as follows:

23 3. The authority, in cooperation with the department ~~on~~
24 aging of health and human services, shall annually allocate
25 moneys available in the home and community-based services
26 revolving loan program fund to develop and expand facilities
27 and infrastructure that provide adult day services, respite
28 services, congregate meals, and programming space for health
29 and wellness, health screening, and nutritional assessments
30 that address the needs of persons with low incomes.

31 Sec. 30. Section 16.48, subsections 1 and 3, Code 2023, are
32 amended to read as follows:

33 1. A transitional housing revolving loan program fund is
34 created within the authority to further the availability of
35 affordable housing for parents that are reuniting with their

1 children while completing or participating in substance ~~abuse~~
 2 use disorder treatment. The moneys in the fund are annually
 3 appropriated to the authority to be used for the development
 4 and operation of a revolving loan program to provide financing
 5 to construct affordable transitional housing, including through
 6 new construction or acquisition and rehabilitation of existing
 7 housing. The housing provided shall be geographically located
 8 in close proximity to licensed substance ~~abuse~~ use disorder
 9 treatment programs. Preference in funding shall be given to
 10 projects that reunite mothers with the mothers' children.

11 3. The authority shall annually allocate moneys available
 12 in the transitional housing revolving loan program fund for the
 13 development of affordable transitional housing for parents that
 14 are reuniting with the parents' children while completing or
 15 participating in substance ~~abuse~~ use disorder treatment. The
 16 authority shall develop a joint application process for the
 17 allocation of federal low-income housing tax credits and the
 18 funds available under this section. Moneys allocated to such
 19 projects may be in the form of loans, grants, or a combination
 20 of loans and grants.

21 Sec. 31. Section 16.49, subsection 4, Code 2023, is amended
 22 to read as follows:

23 4. a. A project shall demonstrate written approval of the
 24 project by the department of health and human services to the
 25 authority prior to application for funding under this section.

26 b. In order to be approved by the department of health and
 27 human services for application for funding for development of
 28 permanent supportive housing under this section, a project
 29 shall include all of the following components:

30 (1) Provision of services to any of the following Medicaid
 31 waiver-eligible individuals:

32 (a) Individuals who are currently underserved in community
 33 placements, including individuals who are physically aggressive
 34 or have behaviors that are difficult to manage or individuals
 35 who meet the psychiatric medical institution for children level

1 of care.

2 (b) Individuals who are currently residing in out-of-state
3 facilities.

4 (c) Individuals who are currently receiving care in a
5 licensed health care facility.

6 (2) A plan to provide each individual with crisis
7 stabilization services to ensure that the individual's
8 behavioral issues are appropriately addressed by the provider.

9 (3) Policies and procedures that prohibit discharge of the
10 individual from the waiver services provided by the project
11 provider unless an alternative placement that is acceptable to
12 the client or the client's guardian is identified.

13 c. In order to be approved by the department of health and
14 human services for application for funding for development of
15 infrastructure in which to provide supportive services under
16 this section, a project shall include all of the following
17 components:

18 (1) Provision of services to Medicaid waiver-eligible
19 individuals who meet the psychiatric medical institution for
20 children level of care.

21 (2) Policies and procedures that prohibit discharge of the
22 individual from the waiver services provided by the project
23 provider unless an alternative placement that is acceptable to
24 the client or the client's guardian is identified.

25 d. Housing provided through a project under this section is
26 exempt from the requirements of chapter 1350.

27 Sec. 32. Section 22.7, subsections 2, 16, 35, 61, and 62,
28 Code 2023, are amended to read as follows:

29 2. Hospital records, medical records, and professional
30 counselor records of the condition, diagnosis, care, or
31 treatment of a patient or former patient or a counselee or
32 former counselee, including outpatient. However, confidential
33 communications between a crime victim and the victim's
34 counselor are not subject to disclosure except as provided in
35 section 915.20A. However, the ~~Iowa~~ department of ~~public~~ health

1 and human services shall adopt rules which provide for the
 2 sharing of information among agencies and providers concerning
 3 the maternal and child health program including but not limited
 4 to the statewide child immunization information system, while
 5 maintaining an individual's confidentiality.

6 16. Information in a report to the ~~Iowa~~ department of ~~public~~
 7 health and human services, to a local board of health, or to
 8 a local health department, which identifies a person infected
 9 with a reportable disease.

10 35. Records of the ~~Iowa~~ department of ~~public~~ health and
 11 human services pertaining to participants in the gambling
 12 treatment program except as otherwise provided in this chapter.

13 61. Records of the department ~~on-aging of health and human~~
 14 services pertaining to clients served by the state office or a
 15 local office of public guardian as defined in section 231E.3.

16 62. Records maintained by the department ~~on-aging of health~~
 17 and human services or office of long-term care ombudsman that
 18 disclose the identity of a complainant, resident, tenant, or
 19 individual receiving services provided by the department ~~on~~
 20 aging of health and human services, an area agency on aging,
 21 or the office of long-term care ombudsman, unless disclosure
 22 is otherwise allowed under section 231.42, subsection 12,
 23 paragraph "a".

24 Sec. 33. Section 23A.2, subsection 10, paragraph 1,
 25 unnumbered paragraph 1, Code 2023, is amended to read as
 26 follows:

27 The offering of goods and services to the public as part
 28 of a client training program operated by a state resource
 29 center under the control of the department of health and human
 30 services provided that all of the following conditions are met:

31 Sec. 34. Section 23A.2, subsection 10, paragraph 1,
 32 subparagraph (1), Code 2023, is amended to read as follows:

33 (1) Any off-campus vocational or employment training
 34 program developed or operated by the department of health and
 35 human services for clients of a state resource center is a

1 supported vocational training program or a supported employment
2 program offered by a community-based provider of services or
3 other employer in the community.

4 Sec. 35. Section 28M.1, subsection 7, Code 2023, is amended
5 to read as follows:

6 7. "*Transportation*" means the movement of individuals in
7 a four or more wheeled motorized vehicle designed to carry
8 passengers, including a car, van, or bus, or the carrying
9 of individuals upon cars operated upon stationary rails,
10 between one geographic point and another geographic point.
11 "*Transportation*" does not include emergency or incidental
12 transportation or transportation conducted by the department of
13 health and human services at its institutions.

14 Sec. 36. Section 35A.5, subsection 5, paragraph a, Code
15 2023, is amended to read as follows:

16 a. Coordinate with United States department of veterans
17 affairs hospitals, health care facilities, and clinics in this
18 state and the department of ~~public~~ health and human services
19 to provide assistance to veterans and their families to reduce
20 the incidence of alcohol and chemical dependency and suicide
21 among veterans and to make mental health counseling available
22 to veterans.

23 Sec. 37. Section 35D.14A, Code 2023, is amended to read as
24 follows:

25 **35D.14A Volunteer record checks.**

26 1. Persons who are potential volunteers or volunteers in
27 the Iowa veterans home in a position having direct individual
28 contact with patients or residents of the home shall be subject
29 to criminal history and child and dependent adult abuse record
30 checks in accordance with this section. The Iowa veterans home
31 shall request that the department of public safety perform the
32 criminal history check and the record check evaluation system
33 of the department of health and human services perform child
34 and dependent adult abuse record checks of the person in this
35 state and may request these checks in other states.

1 2. *a.* If it is determined that a person has been convicted
2 of a crime under a law of any state or has a record of
3 founded child or dependent adult abuse, the person shall not
4 participate as a volunteer with direct individual contact
5 with patients or residents of the Iowa veterans home unless
6 an evaluation has been performed by the ~~department of human~~
7 services record check evaluation system to determine whether
8 the crime or founded child or dependent adult abuse warrants
9 prohibition of the person's participation as a volunteer in the
10 Iowa veterans home. The ~~department of human services record~~
11 check evaluation system shall perform such evaluation upon the
12 request of the Iowa veterans home.

13 *b.* In an evaluation, the ~~department of human services~~
14 record check evaluation system shall consider the nature and
15 seriousness of the crime or founded child or dependent adult
16 abuse in relation to the position sought or held, the time
17 elapsed since the commission of the crime or founded child or
18 dependent adult abuse, the circumstances under which the crime
19 or founded child or dependent adult abuse was committed, the
20 degree of rehabilitation, the likelihood that the person will
21 commit the crime or founded child or dependent adult abuse
22 again, and the number of crimes or founded child or dependent
23 adult abuses committed by the person involved.

24 *c.* If the ~~department of human services record check~~
25 evaluation system performs an evaluation for the purposes of
26 this section, the ~~department of human services record check~~
27 evaluation system has final authority in determining whether
28 prohibition of the person's participation as a volunteer is
29 warranted. The ~~department of human services record check~~
30 evaluation system may permit a person who is evaluated to
31 participate as a volunteer if the person complies with the
32 ~~department's~~ record check evaluation system's conditions
33 relating to participation as a volunteer which may include
34 completion of additional training.

35 Sec. 38. Section 47.7, subsection 2, paragraph a, Code 2023,

1 is amended to read as follows:

2 a. On or before January 1, 2006, the state registrar of
3 voters shall implement in a uniform and nondiscriminatory
4 manner, a single, uniform, official, centralized, interactive
5 computerized statewide voter registration file defined,
6 maintained, and administered at the state level that contains
7 the name and registration information of every legally
8 registered voter in the state and assigns a unique identifier
9 to each legally registered voter in the state. The state voter
10 registration system shall be coordinated with other agency
11 databases within the state, including, but not limited to,
12 state department of transportation driver's license records,
13 judicial records of convicted felons and persons declared
14 incompetent to vote, and ~~Iowa~~ department of ~~public~~ health and
15 human services records of deceased persons.

16 Sec. 39. Section 48A.19, subsection 1, Code 2023, is amended
17 to read as follows:

18 1. The following state agencies are responsible for voter
19 registration:

20 a. All state offices that have direct client contact and
21 provide applications for public assistance, including but not
22 limited to offices administering the following programs:

23 (1) ~~Food stamps~~ The supplemental nutrition assistance
24 program.

25 (2) ~~Medical~~ The medical assistance program under chapter
26 249A.

27 (3) ~~Iowa~~ The Iowa family investment program.

28 (4) ~~Special~~ The special supplemental nutrition program for
29 women, infants, and children.

30 b. (1) All offices that provide state-funded programs
31 primarily engaged in providing services to persons with
32 disabilities, including but not limited to all of the
33 following:

34 (a) Department for the blind.

35 (b) Division of vocational rehabilitation services of the

1 department of ~~education~~ workforce development.

2 (c) Office of deaf services of the department of health and
3 human rights services or its successor agency.

4 (d) Office of persons with disabilities of the department of
5 health and human rights services or its successor agency.

6 (2) An agency designated a voter registration agency
7 under this paragraph which provides services to persons with
8 disabilities in their homes shall provide voter registration
9 services at the clients' homes.

10 c. Other federal and state agencies designated to provide
11 voter registration services include, but are not limited to,
12 the United States armed forces recruiting offices.

13 Sec. 40. Section 48A.31, Code 2023, is amended to read as
14 follows:

15 **48A.31 Deceased persons record.**

16 The state registrar of vital statistics shall transmit
17 or cause to be transmitted to the state registrar of voters,
18 once each calendar quarter, a certified list of all persons
19 seventeen years of age and older in the state whose deaths have
20 been reported to the ~~bureau~~ state registrar of vital ~~records~~
21 ~~of the Iowa department of public health statistics~~ since the
22 previous list of decedents was certified to the state registrar
23 of voters. The list shall be submitted according to the
24 specifications of the state registrar of voters and shall be
25 transmitted to the state registrar of voters without charge
26 for production or transmission. The commissioner shall, in
27 the month following the end of a calendar quarter, run the
28 statewide voter registration system's matching program to
29 determine whether a listed decedent was registered to vote in
30 the county and shall immediately cancel the registration of any
31 person named on the list of decedents.

32 Sec. 41. Section 68B.2, subsection 23, Code 2023, is amended
33 to read as follows:

34 23. "*Regulatory agency*" means the department of agriculture
35 and land stewardship, department of workforce development,

1 department of commerce, ~~Iowa department of public health,~~
2 department of public safety, department of education, state
3 board of regents, department of health and human services,
4 department of revenue, department of inspections and appeals,
5 department of administrative services, public employment
6 relations board, state department of transportation, civil
7 rights commission, department of public defense, department of
8 homeland security and emergency management, Iowa ethics and
9 campaign disclosure board, and department of natural resources.

10 Sec. 42. Section 80.9B, subsections 3 and 7, Code 2023, are
11 amended to read as follows:

12 3. The provisions of chapter 141A also do not apply to
13 the transmission of the same information from either or
14 both information systems to employees of state correctional
15 institutions subject to the jurisdiction of the department
16 of corrections, employees of secure facilities for juveniles
17 subject to the jurisdiction of the department of health and
18 human services, and employees of city and county jails, if
19 those employees have direct physical supervision over inmates
20 of those facilities or institutions.

21 7. The commissioner shall develop and establish, in
22 cooperation with the department of corrections and the
23 department of ~~public health~~ and human services, training
24 programs and program criteria for persons receiving human
25 immunodeficiency virus-related information through the Iowa
26 criminal justice information system or the national crime
27 information center system.

28 Sec. 43. Section 80.28, subsection 2, paragraph a,
29 subparagraph (6), Code 2023, is amended to read as follows:

30 (6) One member representing the ~~Iowa~~ department of ~~public~~
31 health and human services.

32 Sec. 44. Section 80B.11C, Code 2023, is amended to read as
33 follows:

34 **80B.11C Public safety telecommunicator training standards.**

35 The director of the academy, subject to the approval of

1 the council, in consultation with the Iowa state sheriffs'
 2 and deputies' association, the Iowa police executive forum,
 3 the Iowa peace officers association, the Iowa state police
 4 association, the Iowa professional fire fighters, the Iowa
 5 emergency medical services association, the joint council of
 6 Iowa fire service organizations, the Iowa department of public
 7 safety, the Iowa chapter of the association of public-safety
 8 communications officials—international, inc., the Iowa chapter
 9 of the national emergency number association, the department
 10 of homeland security and emergency management, and the Iowa
 11 department of ~~public~~ public health and human services, shall adopt
 12 rules pursuant to chapter 17A establishing minimum standards
 13 for training of public safety telecommunicators. "*Public*
 14 *safety telecommunicator*" means a person who serves as a first
 15 responder by receiving requests for, or by dispatching requests
 16 to, emergency response agencies which include but are not
 17 limited to law enforcement, fire, rescue, and emergency medical
 18 services agencies.

19 Sec. 45. Section 80E.2, Code 2023, is amended to read as
 20 follows:

21 **80E.2 Drug policy advisory council — membership — duties.**

22 1. An Iowa drug policy advisory council is established which
 23 shall consist of the following ~~seventeen~~ members:

24 a. The drug policy ~~coordinator~~ director, who shall serve as
 25 chairperson of the council.

26 b. The director of the department of corrections, or the
 27 director's designee.

28 c. The director of the department of education, or the
 29 director's designee.

30 d. The director of ~~the department of public health and human~~
 31 services, or the director's designee.

32 e. The commissioner of public safety, or the commissioner's
 33 designee.

34 ~~f. The director of the department of human services, or the~~
 35 ~~director's designee.~~

1 ~~g.~~ ~~The director of the division of criminal and juvenile~~
2 ~~justice planning in the department of human rights, or the~~
3 ~~division director's designee.~~

4 ~~h.~~ f. The state public defender, or the state public
5 defender's designee.

6 ~~i.~~ g. A prosecuting attorney.

7 ~~j.~~ h. A certified alcohol and drug counselor.

8 ~~k.~~ i. A certified substance ~~abuse~~ use disorder prevention
9 specialist.

10 ~~l.~~ j. A substance use disorder treatment program director.

11 ~~m.~~ k. A justice of the Iowa supreme court, or judge, as
12 designated by the chief justice of the supreme court.

13 ~~n.~~ l. A member representing the Iowa peace officers
14 association.

15 ~~o.~~ m. A member representing the Iowa state police
16 association.

17 ~~p.~~ n. A member representing the Iowa state sheriffs' and
18 deputies' association.

19 ~~q.~~ o. A police chief.

20 2. The prosecuting attorney, certified alcohol and drug
21 counselor, certified substance ~~abuse~~ use disorder prevention
22 specialist, substance use disorder treatment program director,
23 member representing the Iowa peace officers association,
24 member representing the Iowa state police association, the
25 member representing the Iowa state sheriffs' and deputies'
26 association, and the member who is a police chief shall be
27 appointed by the governor, subject to senate confirmation, for
28 four-year terms beginning and ending as provided in section
29 69.19. A vacancy on the council shall be filled for the
30 unexpired term in the same manner as the original appointment
31 was made.

32 3. The council shall make policy recommendations to
33 the appropriate departments concerning the administration,
34 development, and coordination of programs related to substance
35 ~~abuse~~ use disorder education, prevention, treatment, and

1 enforcement.

2 4. The members of the council shall be reimbursed for actual
3 and necessary travel and related expenses incurred in the
4 discharge of official duties. Each member of the council may
5 also be eligible to receive compensation as provided in section
6 7E.6.

7 5. The council shall meet at least semiannually throughout
8 the year.

9 6. A majority of the members of the council constitutes a
10 quorum, and a majority of the total membership of the council
11 is necessary to act in any matter within the jurisdiction of
12 the council.

13 Sec. 46. Section 84A.1A, subsection 1, paragraph b, Code
14 2023, is amended to read as follows:

15 b. The nonvoting members of the Iowa workforce development
16 board shall include the following:

17 (1) One state senator appointed by the minority leader of
18 the senate, who shall serve for a term as provided in section
19 69.16B.

20 (2) One state representative appointed by the minority
21 leader of the house of representatives, who shall serve for a
22 term as provided in section 69.16B.

23 (3) One president, or the president's designee, of the
24 university of northern Iowa, the university of Iowa, or Iowa
25 state university of science and technology, designated by the
26 state board of regents on a rotating basis.

27 (4) One president, or the president's designee, of an
28 independent Iowa college, appointed by the Iowa association of
29 independent colleges and universities.

30 (5) One president or president's designee, of a community
31 college, appointed by the Iowa association of community college
32 presidents.

33 (6) One representative of the economic development
34 authority, appointed by the director.

35 ~~(7) One representative of the department on aging,~~

1 ~~appointed by the director.~~

2 ~~(8)~~ (7) One representative of the department of
3 corrections, appointed by the director.

4 ~~(9)~~ (8) One representative of the department of health and
5 human services, appointed by the director.

6 ~~(10)~~ (9) One representative of the United States department
7 of labor, office of apprenticeship.

8 ~~(11)~~ (10) One representative from the largest statewide
9 public employees' organization representing state employees.

10 ~~(12)~~ (11) One representative of a statewide labor
11 organization representing employees in the construction
12 industry.

13 ~~(13)~~ (12) One representative of a statewide labor
14 organization representing employees in the manufacturing
15 industry.

16 Sec. 47. Section 84A.6, subsections 2 and 3, Code 2023, are
17 amended to read as follows:

18 2. *a.* The director of the department of workforce
19 development, in cooperation with the department of health
20 and human services, shall provide job placement and training
21 to persons referred by the department of health and human
22 services under the promoting independence and self-sufficiency
23 through employment job opportunities and basic skills program
24 established pursuant to chapter 239B and the ~~food stamp~~
25 supplemental nutrition assistance program employment and
26 training program.

27 *b.* The department of workforce development, in consultation
28 with the department of health and human services, shall develop
29 and implement departmental recruitment and employment practices
30 that address the needs of former and current participants in
31 the family investment program under chapter 239B.

32 3. The director of the department of workforce development,
33 in cooperation with the department of health and human ~~rights~~
34 services and the vocational rehabilitation services division
35 of the department of ~~education~~ workforce development, shall

1 establish a program to provide job placement and training to
2 persons with disabilities.

3 Sec. 48. Section 84A.9, Code 2023, is amended to read as
4 follows:

5 **84A.9 Statewide mentoring program.**

6 A statewide mentoring program is established to recruit,
7 screen, train, and match individuals in a mentoring
8 relationship. The department of workforce development shall
9 administer the program in collaboration with the departments
10 of health and human services, and education, ~~and human rights~~.
11 The availability of the program is subject to the funding
12 appropriated for the purposes of the program.

13 Sec. 49. Section 84A.11, subsection 2, Code 2023, is amended
14 to read as follows:

15 2. The department of workforce development shall consult
16 with the board of nursing, the department of ~~public~~ health
17 and human services, the department of education, and other
18 appropriate entities in developing recommendations to determine
19 options for additional data collection.

20 Sec. 50. Section 84B.1, Code 2023, is amended to read as
21 follows:

22 **84B.1 Workforce development system.**

23 The departments of workforce development, education,
24 health and human services, and corrections, the economic
25 development authority, ~~the department on aging~~, the division
26 of Iowa vocational rehabilitation services of the department
27 of ~~education~~ workforce development, and the department for
28 the blind shall collaborate where possible under applicable
29 state and federal law to align workforce development programs,
30 services, and activities in an integrated workforce development
31 system in the state and in each local workforce development
32 area that is data driven and responsive to the needs of
33 workers, job seekers, and employers. The departments,
34 authority, and division shall also jointly establish an
35 integrated management information system for linking workforce

1 development programs within local workforce development systems
2 and in the state.

3 Sec. 51. Section 84B.2, unnumbered paragraph 1, Code 2023,
4 is amended to read as follows:

5 The department of workforce development, in consultation
6 with the departments of education, health and human services,
7 and corrections, the economic development authority,
8 ~~the department on aging~~, the division of Iowa vocational
9 rehabilitation services of the department of ~~education~~
10 workforce development, and the department for the blind
11 shall establish guidelines for colocating state and federal
12 employment and training programs in centers providing services
13 at the local level. The centers shall be known as workforce
14 development centers. The guidelines shall provide for local
15 design and operation within the guidelines. The core services
16 available at a center shall include but are not limited to all
17 of the following:

18 Sec. 52. Section 85.38, subsection 4, Code 2023, is amended
19 to read as follows:

20 4. *Lien for hospital and medical services under chapter*
21 *249A.* In the event any hospital or medical services as provided
22 in section 85.27 are paid by the ~~state~~ department of health and
23 human services on behalf of an employee who is entitled to such
24 benefits under the provisions of this chapter or chapter 85A or
25 85B, a lien shall exist as respects the right of such employee
26 to benefits as described in section 85.27.

27 Sec. 53. Section 85.60, Code 2023, is amended to read as
28 follows:

29 **85.60 Injuries while in work-based learning opportunity,**
30 **employment training, or evaluation.**

31 A person participating in a work-based learning opportunity
32 referred to in section 85.61, or receiving earnings while
33 engaged in employment training or while undergoing an
34 employment evaluation under the direction of a rehabilitation
35 facility approved for purchase-of-service contracts or for

1 referrals by the department of health and human services or the
 2 department of education, who sustains an injury arising out
 3 of and in the course of the work-based learning opportunity
 4 participation, employment training, or employment evaluation
 5 is entitled to benefits as provided in this chapter, chapter
 6 85A, chapter 85B, and chapter 86. Notwithstanding the minimum
 7 benefit provisions of this chapter, a person referred to in
 8 this section and entitled to benefits under this chapter is
 9 entitled to receive a minimum weekly benefit amount for a
 10 permanent partial disability under section 85.34, subsection
 11 2, or for a permanent total disability under section 85.34,
 12 subsection 3, equal to the weekly benefit amount of a person
 13 whose gross weekly earnings are thirty-five percent of the
 14 statewide average weekly wage computed pursuant to section 96.3
 15 and in effect at the time of the injury.

16 Sec. 54. Section 85.61, subsection 3, paragraph b, Code
 17 2023, is amended to read as follows:

18 *b.* A rehabilitation facility approved for
 19 purchase-of-service contracts or for referrals by the
 20 department of health and human services or the department of
 21 education.

22 Sec. 55. Section 85A.11, subsection 2, Code 2023, is amended
 23 to read as follows:

24 2. The specimens for the tests required by this section
 25 must be taken by a licensed practicing physician or osteopathic
 26 physician, and immediately delivered to the state hygienic
 27 ~~laboratory of the Iowa department of public health at Iowa~~
 28 ~~City~~. Each specimen shall be in a container upon which is
 29 plainly printed the name and address of the subject, the date
 30 when the specimen was taken, the name and address of the
 31 subject's employer, and a certificate by the physician or
 32 osteopathic physician that the physician took the specimen
 33 from the named subject on the date stated over the physician's
 34 signature and address.

35 Sec. 56. Section 85A.20, Code 2023, is amended to read as

1 follows:

2 **85A.20 Investigation.**

3 The workers' compensation commissioner may designate
 4 the ~~industrial hygiene physician~~ medical director of the
 5 Iowa department of ~~public health~~ and human services and two
 6 physicians selected by the dean of the university of Iowa
 7 college of medicine, from the staff of the college, who shall
 8 be qualified to diagnose and report on occupational diseases.
 9 For the purpose of investigating occupational diseases, the
 10 physicians shall have the use, without charge, of all necessary
 11 laboratory and other facilities of the university of Iowa
 12 college of medicine and of the university hospital at the state
 13 university of Iowa, and of the Iowa department of ~~public health~~
 14 and human services in performing the physicians' duties.

15 Sec. 57. Section 89.4, subsection 1, paragraph h, Code 2023,
 16 is amended to read as follows:

17 h. Hot water heating boilers used for heating pools or spas
 18 regulated by the department of ~~public health~~ inspections,
 19 appeals, and licensing pursuant to chapter 135I.

20 Sec. 58. Section 89B.17, subsection 1, unnumbered paragraph
 21 1, Code 2023, is amended to read as follows:

22 The director of ~~public health~~ and human services, the labor
 23 commissioner, and the director of the department of natural
 24 resources or the director's designee under written signatures
 25 of all these parties may recommend any of the following
 26 actions:

27 Sec. 59. Section 92.17, subsection 3, Code 2023, is amended
 28 to read as follows:

29 3. A child from working in any occupation or business
 30 operated by the child's parents. For the purposes of this
 31 subsection, "*child*" and "*parents*" include a foster child and the
 32 child's foster parents who are licensed by the department of
 33 health and human services.

34 Sec. 60. Section 96.3, subsections 9 and 11, Code 2023, are
 35 amended to read as follows:

1 9. *Child support intercept.*

2 a. An individual filing a claim for benefits under section
3 96.6, subsection 1, shall, at the time of filing, disclose
4 whether the individual owes a child support obligation which
5 is being enforced by ~~the child support recovery unit~~ services
6 established in section 252B.2. If an individual discloses that
7 such a child support obligation is owed and the individual is
8 determined to be eligible for benefits under this chapter,
9 the department shall notify ~~the child support recovery unit~~
10 services of the individual's disclosure and deduct and withhold
11 from benefits payable to the individual the amount specified
12 by the individual.

13 b. However, if ~~the child support recovery unit~~ services
14 and an individual owing a child support obligation reach an
15 agreement to have specified amounts deducted and withheld from
16 the individual's benefits and ~~the child support recovery unit~~
17 services submits a copy of the agreement to the department, the
18 department shall deduct and withhold the specified amounts.

19 c. (1) However, if the department is notified of income
20 withholding by ~~the child support recovery unit~~ services under
21 chapter 252D or section 598.22 or 598.23 or if income is
22 garnisheed by ~~the child support recovery unit~~ services under
23 chapter 642 and an individual's benefits are condemned to the
24 satisfaction of the child support obligation being enforced by
25 ~~the child support recovery unit~~ services, the department shall
26 deduct and withhold from the individual's benefits that amount
27 required through legal process.

28 (2) Notwithstanding section 642.2, subsections 2, 3,
29 6, and 7, which restrict garnishments under chapter 642 to
30 wages of public employees, the department may be garnisheed
31 under chapter 642 by ~~the child support recovery unit~~ services
32 established in section 252B.2, pursuant to a judgment for child
33 support against an individual eligible for benefits under this
34 chapter.

35 (3) Notwithstanding section 96.15, benefits under this

1 chapter are not exempt from income withholding, garnishment,
 2 attachment, or execution if withheld for or garnisheed by the
 3 child support ~~recovery unit~~ services, established in section
 4 252B.2, or if an income withholding order or notice of the
 5 income withholding order under section 598.22 or 598.23 is
 6 being enforced by the child support ~~recovery unit~~ services to
 7 satisfy the child support obligation of an individual who is
 8 eligible for benefits under this chapter.

9 d. An amount deducted and withheld under paragraph "a", "b",
 10 or "c" shall be paid by the department to the child support
 11 ~~recovery unit~~ services, and shall be treated as if it were paid
 12 to the individual as benefits under this chapter and as if it
 13 were paid by the individual to the child support ~~recovery unit~~
 14 services in satisfaction of the individual's child support
 15 obligations.

16 e. If an agreement for reimbursement has been made, the
 17 department shall be reimbursed by the child support ~~recovery~~
 18 ~~unit~~ services for the administrative costs incurred by the
 19 department under this section which are attributable to the
 20 enforcement of child support obligations by the child support
 21 ~~recovery unit~~ services.

22 11. Overissuance of food-stamp supplemental nutrition
 23 assistance program benefits. The department shall collect any
 24 overissuance of ~~food-stamp~~ supplemental nutrition assistance
 25 program benefits by offsetting the amount of the overissuance
 26 from the benefits payable under this chapter to the individual.
 27 This subsection shall only apply if the department is
 28 reimbursed under an agreement with the department of health and
 29 human services for administrative costs incurred in recouping
 30 the overissuance. The provisions of section 96.15 do not apply
 31 to this subsection.

32 Sec. 61. Section 97B.49B, subsection 1, paragraph e,
 33 subparagraph (16), Code 2023, is amended to read as follows:

34 (16) A person employed by the department of health and
 35 human services as a psychiatric security specialist at a civil

1 commitment unit for sexually violent offenders facility.

2 Sec. 62. Section 99D.7, subsections 22 and 23, Code 2023,
3 are amended to read as follows:

4 22. To cooperate with the gambling treatment program
5 administered by the ~~Iowa~~ department of ~~public~~ health and human
6 services to incorporate information regarding the gambling
7 treatment program and its toll-free telephone number in printed
8 materials distributed by the commission. The commission may
9 require licensees to have the information available in a
10 conspicuous place as a condition of licensure.

11 23. To establish a process to allow a person to be
12 voluntarily excluded from advance deposit wagering as defined
13 in section 99D.11, from an internet fantasy sports contest as
14 defined in section 99E.1, from advance deposit sports wagering
15 as defined in section 99F.9, and from the wagering area of
16 a racetrack enclosure, from the gaming floor, and from the
17 sports wagering area, as defined in section 99F.1, of all
18 other licensed facilities under this chapter and chapter 99F
19 as provided in this subsection. The process shall provide
20 that an initial request by a person to be voluntarily excluded
21 shall be for a period of five years or life and any subsequent
22 request following any five-year period shall be for a period of
23 five years or life. The process established shall require that
24 licensees be provided electronic access to names and social
25 security numbers of persons voluntarily excluded through a
26 secured interactive internet site maintained by the commission
27 and information regarding persons voluntarily excluded shall
28 be disseminated to all licensees under this chapter, chapter
29 99E, and chapter 99F. The names, social security numbers, and
30 information regarding persons voluntarily excluded shall be
31 kept confidential unless otherwise ordered by a court or by
32 another person duly authorized to release such information.
33 The process established shall also require a person requesting
34 to be voluntarily excluded be provided information compiled
35 by the ~~Iowa~~ department of ~~public~~ health and human services

1 on gambling treatment options. The state and any licensee
 2 under this chapter, chapter 99E, or chapter 99F shall not be
 3 liable to any person for any claim which may arise from this
 4 process. In addition to any other penalty provided by law, any
 5 money or thing of value that has been obtained by, or is owed
 6 to, a voluntarily excluded person as a result of wagers made
 7 by the person after the person has been voluntarily excluded
 8 shall be forfeited by the person and shall be credited to the
 9 general fund of the state. The commission shall not initiate
 10 any administrative action or impose penalties on a licensee who
 11 voluntarily reports to the commission activity described in
 12 section 99D.24, subsection 4, paragraph "c".

13 Sec. 63. Section 99D.9, subsection 6, paragraph b, Code
 14 2023, is amended to read as follows:

15 b. A licensee shall not permit a financial institution,
 16 vendor, or other person to dispense cash or credit through an
 17 electronic or mechanical device including but not limited to a
 18 satellite terminal as defined in section 527.2, that is located
 19 in the wagering area. However, this paragraph shall not apply
 20 to cashless wagering systems where a person accesses a cash
 21 account through a mobile application used by the licensee
 22 to conduct cashless wagering. The mobile application shall
 23 include the statewide telephone number authorized by the Iowa
 24 department of ~~public~~ health and human services to provide
 25 problem gambling information and extensive responsible gaming
 26 features in addition to those described in section 99D.7,
 27 subsection 23.

28 Sec. 64. Section 99E.5, subsection 2, paragraph d, Code
 29 2023, is amended to read as follows:

30 d. Include on the internet site or mobile application used
 31 by the licensee to conduct internet fantasy sports contests the
 32 statewide telephone number authorized by the Iowa department of
 33 ~~public~~ health and human services to provide problem gambling
 34 information and extensive responsible gaming features in
 35 addition to those described in section 99F.4, subsection 22.

1 Sec. 65. Section 99F.4, subsection 22, Code 2023, is amended
2 to read as follows:

3 22. To establish a process to allow a person to be
4 voluntarily excluded from advance deposit wagering as defined
5 in section 99D.11, from an internet fantasy sports contest
6 as defined in section 99E.1, from advance deposit sports
7 wagering as defined in section 99F.9, from the gaming floor
8 and sports wagering area of an excursion gambling boat, from
9 the wagering area, as defined in section 99D.2, and from the
10 gaming floor and sports wagering area of all other licensed
11 facilities under this chapter and chapter 99D as provided in
12 this subsection. The process shall provide that an initial
13 request by a person to be voluntarily excluded shall be for
14 a period of five years or life and any subsequent request
15 following any five-year period shall be for a period of five
16 years or life. The process established shall require that
17 licensees be provided electronic access to names and social
18 security numbers of persons voluntarily excluded through a
19 secured interactive internet site maintained by the commission
20 and information regarding persons voluntarily excluded shall
21 be disseminated to all licensees under this chapter, chapter
22 99D, and chapter 99E. The names, social security numbers, and
23 information regarding persons voluntarily excluded shall be
24 kept confidential unless otherwise ordered by a court or by
25 another person duly authorized to release such information.
26 The process established shall also require a person requesting
27 to be voluntarily excluded be provided information compiled
28 by the ~~Iowa~~ department of ~~public~~ health and human services
29 on gambling treatment options. The state and any licensee
30 under this chapter, chapter 99D, or chapter 99E shall not be
31 liable to any person for any claim which may arise from this
32 process. In addition to any other penalty provided by law, any
33 money or thing of value that has been obtained by, or is owed
34 to, a voluntarily excluded person as a result of wagers made
35 by the person after the person has been voluntarily excluded

1 shall be forfeited by the person and shall be credited to the
 2 general fund of the state. The commission shall not initiate
 3 any administrative action or impose penalties on a licensee who
 4 voluntarily reports to the commission activity described in
 5 section 99F.15, subsection 4, paragraph "n".

6 Sec. 66. Section 99F.7, subsection 10, paragraph b, Code
 7 2023, is amended to read as follows:

8 b. A licensee shall not permit a financial institution,
 9 vendor, or other person to dispense cash or credit through an
 10 electronic or mechanical device including but not limited to
 11 a satellite terminal, as defined in section 527.2, that is
 12 located on the gaming floor. However, this paragraph shall not
 13 apply to cashless wagering systems where a person accesses a
 14 cash account through a mobile application used by the licensee
 15 to conduct cashless wagering. The mobile application shall
 16 include the statewide telephone number authorized by the Iowa
 17 department of ~~public~~ health and human services to provide
 18 problem gambling information and extensive responsible gaming
 19 features in addition to those described in section 99F.4,
 20 subsection 22.

21 Sec. 67. Section 99F.7A, subsection 2, paragraph a, Code
 22 2023, is amended to read as follows:

23 a. Include on the internet site or mobile application used
 24 by the licensee to conduct advance deposit sports wagering as
 25 authorized in section 99F.9 the statewide telephone number
 26 authorized by the Iowa department of ~~public~~ health and human
 27 services to provide problem gambling information and extensive
 28 responsible gaming features in addition to those described in
 29 section 99F.4, subsection 22.

30 Sec. 68. Section 100C.1, subsection 1, Code 2023, is amended
 31 to read as follows:

32 1. "*Alarm system*" means a system or portion of a combination
 33 system that consists of components and circuits arranged to
 34 monitor and annunciate the status of a fire alarm, security
 35 alarm, or nurse call or supervisory signal-initiating devices

1 and to initiate the appropriate response to those signals,
2 but does not mean any such security system or portion of a
3 combination system installed in a prison, jail, or detention
4 facility owned by the state, a political subdivision of the
5 state, the department of health and human services, or the Iowa
6 veterans home.

7 Sec. 69. Section 101C.3, subsection 1, Code 2023, is amended
8 to read as follows:

9 1. The Iowa propane education and research council is
10 established. The council shall consist of ten voting members,
11 nine of whom represent retail propane marketers and one of whom
12 shall be ~~the administrator of the division of a representative~~
13 of the department of health and human services responsible
14 for community action agencies of the department of human
15 rights. Members of the council ~~other than the administrator~~
16 representing retail propane marketers shall be appointed by the
17 fire marshal from a list of nominees submitted by qualified
18 propane industry organizations by December 15 of each year. A
19 vacancy in the unfinished term of a council member shall be
20 filled for the remainder of the term in the same manner as the
21 original appointment was made. ~~Other than the administrator,~~
22 ~~council~~ Council members representing retail propane marketers
23 shall be full-time employees or owners of a propane industry
24 business or representatives of an agricultural cooperative
25 actively engaged in the propane industry. An employee of a
26 qualified propane industry organization shall not serve as a
27 member of the council. An officer of the board of directors of
28 a qualified propane industry organization or propane industry
29 trade association shall not serve concurrently as a member of
30 the council. The fire marshal or a designee may serve as an ex
31 officio, nonvoting member of the council.

32 Sec. 70. Section 123.47, subsection 4, paragraph a,
33 subparagraph (2), Code 2023, is amended to read as follows:

34 (2) A second offense shall be a simple misdemeanor
35 punishable by a fine of five hundred dollars. In addition to

1 any other applicable penalty, the person in violation of this
2 section shall choose between either completing a substance
3 ~~abuse~~ use disorder evaluation or the suspension of the person's
4 motor vehicle operating privileges for a period not to exceed
5 one year.

6 Sec. 71. Section 124.409, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. Whenever the court finds that a person who is charged
9 with a violation of section 124.401 and who consents thereto,
10 or who has entered a plea of guilty to or been found guilty of
11 a violation of that section, is addicted to, dependent upon,
12 or a chronic ~~abuser~~ user of any controlled substance and that
13 such person will be aided by proper medical treatment and
14 rehabilitative services, the court may order that the person
15 be committed as an in-patient or out-patient to a facility
16 licensed by the ~~Iowa~~ department of ~~public~~ health and human
17 services for medical treatment and rehabilitative services.

18 Sec. 72. Section 124.504, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. A practitioner engaged in medical practice or research
21 or the Iowa ~~drug abuse~~ substance use disorder authority or
22 any program which is licensed by the authority shall not be
23 required to furnish the name or identity of a patient or
24 research subject to the board or the department, nor shall the
25 practitioner or the authority or any program which is licensed
26 by the authority be compelled in any state or local civil,
27 criminal, administrative, legislative or other proceedings
28 to furnish the name or identity of an individual that the
29 practitioner or the authority or any of its licensed programs
30 is obligated to keep confidential.

31 Sec. 73. Section 124.551, subsection 2, paragraph a,
32 unnumbered paragraph 1, Code 2023, is amended to read as
33 follows:

34 The program shall collect from pharmacies dispensing
35 information for controlled substances identified pursuant

1 to section 124.554, subsection 1, paragraph "g", and from
 2 first responders as defined in section 147A.1, subsection
 3 7, with the exception of emergency medical care providers
 4 as defined in section 147A.1, subsection 4, administration
 5 information for opioid antagonists. The department of ~~public~~
 6 health and human services shall provide information for the
 7 administration of opioid antagonists to the board as prescribed
 8 by rule for emergency medical care providers as defined in
 9 section 147A.1, subsection 4. The board shall adopt rules
 10 requiring the following information to be provided regarding
 11 the administration of opioid antagonists:

12 Sec. 74. Section 124.556, Code 2023, is amended to read as
 13 follows:

14 **124.556 Education and treatment.**

15 The program shall include education initiatives and outreach
 16 to consumers, prescribing practitioners, and pharmacists, and
 17 shall also include assistance for identifying substance ~~abuse~~
 18 use disorder treatment programs and providers. The program
 19 shall also include educational updates and information on
 20 general patient risk factors for prescribing practitioners.
 21 The board and advisory council shall adopt rules, as provided
 22 under section 124.554, to implement this section.

23 Sec. 75. Section 124E.2, subsections 3 and 8, Code 2023, are
 24 amended to read as follows:

25 3. "*Department*" means the department of ~~public~~ health and
 26 human services.

27 8. "*Laboratory*" means the state hygienic laboratory
 28 ~~at the university of Iowa in Iowa City~~ or any other
 29 independent medical cannabidiol testing facility accredited
 30 to standard ISO/IEC 17025 by an international organization
 31 for standards-approved accrediting body, with a controlled
 32 substance registration certificate from the United States drug
 33 enforcement administration and a certificate of registration
 34 from the board of pharmacy. For the purposes of this chapter,
 35 an independent laboratory is a laboratory operated by an

1 entity that has no equity ownership in a medical cannabidiol
2 manufacturer.

3 Sec. 76. Section 124E.6, subsection 4, Code 2023, is amended
4 to read as follows:

5 4. A medical cannabidiol manufacturer shall contract with
6 a laboratory to perform spot-check testing of the medical
7 cannabidiol produced by the medical cannabidiol manufacturer
8 as provided in section 124E.7. The department shall require
9 that the laboratory report testing results to the medical
10 cannabidiol manufacturer and the department as determined by
11 the department by rule. If a medical cannabidiol manufacturer
12 contracts with a laboratory other than the state hygienic
13 laboratory ~~at the university of Iowa in Iowa City~~, the
14 department shall approve the laboratory to perform testing
15 pursuant to this chapter.

16 Sec. 77. Section 124E.14, Code 2023, is amended to read as
17 follows:

18 **124E.14 Out-of-state medical cannabidiol dispensaries.**

19 The department ~~of public health~~ shall utilize a request for
20 proposals process to select and license by December 1, 2017,
21 up to two out-of-state medical cannabidiol dispensaries from a
22 bordering state to sell and dispense medical cannabidiol to a
23 patient or primary caregiver in possession of a valid medical
24 cannabidiol registration card issued under this chapter.

25 Sec. 78. Section 125.1, Code 2023, is amended to read as
26 follows:

27 **125.1 Declaration of policy.**

28 It is the policy of this state:

29 1. That persons with ~~substance-related disorders~~ a
30 substance use disorder be afforded the opportunity to
31 receive quality treatment and directed into rehabilitation
32 services which will help them resume a socially acceptable and
33 productive role in society.

34 2. To encourage substance ~~abuse~~ use disorder education
35 and prevention efforts and to insure that such efforts are

1 coordinated to provide a high quality of services without
2 unnecessary duplication.

3 3. To insure that substance ~~abuse~~ use disorder programs
4 are being operated by individuals who are qualified in their
5 field whether through formal education or through employment
6 or personal experience.

7 Sec. 79. Section 125.2, Code 2023, is amended to read as
8 follows:

9 **125.2 Definitions.**

10 For purposes of this chapter, unless the context clearly
11 indicates otherwise:

12 ~~1. "Board" means the state board of health created pursuant~~
13 ~~to chapter 136.~~

14 ~~2. 1. "Chemical substance" means alcohol, wine, spirits,~~
15 ~~and beer as defined in chapter 123 and controlled substances~~
16 ~~as defined in section 124.101.~~

17 ~~3. 2. "Chief medical officer" means the medical director~~
18 ~~in charge of a public or private hospital, or the director's~~
19 ~~physician-designee. This chapter does not negate the~~
20 ~~authority otherwise reposed by chapter 226 in the respective~~
21 ~~superintendents of the state mental health institutes to make~~
22 ~~decisions regarding the appropriateness of admissions or~~
23 ~~discharges of patients of those institutes, however, it is~~
24 ~~the intent of this chapter that a superintendent who is not a~~
25 ~~licensed physician shall be guided in these decisions by the~~
26 ~~chief medical officer of the institute.~~

27 ~~4. 3. "Clerk" means the clerk of the district court.~~

28 4. "Council" means the council on health and human services.

29 5. "County of residence" means the same as defined in
30 section 331.394.

31 6. "Department" means the ~~Iowa~~ department of ~~public~~ health
32 and human services.

33 7. "Director" means the director of ~~the Iowa department of~~
34 public health and human services.

35 8. "Facility" means an institution, a detoxification center,

1 or an installation providing care, maintenance and treatment
2 for persons with ~~substance-related disorders~~ a substance use
3 disorder licensed by the department under section 125.13,
4 hospitals licensed under chapter 135B, or the state mental
5 health institutes designated by chapter 226.

6 9. "*Incapacitated by a chemical substance*" means that a
7 person, as a result of the use of a chemical substance, is
8 unconscious or has the person's judgment otherwise so impaired
9 that the person is incapable of realizing and making a rational
10 decision with respect to the need for treatment.

11 10. "*Incompetent person*" means a person who has been
12 adjudged incompetent by a court of law.

13 11. "*Interested person*" means a person who, in the
14 discretion of the court, is legitimately concerned that a
15 respondent receive substance ~~abuse~~ use disorder treatment
16 services.

17 12. "*Magistrate*" means the same as defined in section 801.4,
18 subsection 10.

19 13. "*Mental health professional*" means the same as defined
20 in section 228.1.

21 14. "*Psychiatric advanced registered nurse practitioner*"
22 means an individual currently licensed as a registered nurse
23 under chapter 152 or 152E who holds a national certification in
24 psychiatric mental health care and who is licensed by the board
25 of nursing as an advanced registered nurse practitioner.

26 15. "*Respondent*" means a person against whom an application
27 is filed under section 125.75.

28 16. ~~"Substance-related disorder"~~ "Substance use disorder"
29 means a diagnosable substance ~~abuse~~ use disorder of sufficient
30 duration to meet diagnostic criteria specified within the most
31 current diagnostic and statistical manual of mental disorders
32 published by the American psychiatric association that results
33 in a functional impairment.

34 Sec. 80. Section 125.3, Code 2023, is amended to read as
35 follows:

1 **125.3 Substance ~~abuse~~ use disorder program established.**

2 The ~~Iowa~~ department of ~~public health~~ shall develop,
3 implement, and administer a comprehensive substance ~~abuse~~ use
4 disorder program pursuant to sections 125.1 and 125.2, this
5 section, and sections 125.7, 125.9, 125.10, 125.12 through
6 125.21, 125.25, 125.32 through 125.34, and 125.37 through
7 125.43.

8 Sec. 81. Section 125.7, Code 2023, is amended to read as
9 follows:

10 **125.7 Duties of the ~~board~~ council.**

11 The ~~board~~ council shall:

12 1. Approve the comprehensive substance ~~abuse~~ use disorder
13 program, developed by the department pursuant to sections 125.1
14 through 125.3, this section, and sections 125.9, 125.10, 125.12
15 through 125.21, 125.25, 125.32 through 125.34, and 125.37
16 through 125.43.

17 2. Advise the department on policies governing the
18 performance of the department in the discharge of any duties
19 imposed on the department by law.

20 3. Advise or make recommendations to the governor and the
21 general assembly relative to substance ~~abuse~~ use disorder
22 treatment, intervention, education, and prevention programs in
23 this state.

24 4. Adopt rules for subsections 1 and 6 and review other
25 rules necessary to carry out the provisions of this chapter,
26 subject to review in accordance with chapter 17A.

27 5. Investigate the work of the department relating to
28 substance ~~abuse~~ use disorder, and for this purpose the ~~board~~
29 council shall have access at any time to all books, papers,
30 documents, and records of the department.

31 6. Consider and approve or disapprove all applications
32 for a license and all cases involving the renewal, denial,
33 suspension, or revocation of a license.

34 7. Act as the appeal board regarding funding decisions made
35 by the department.

1 Sec. 82. Section 125.9, subsections 1, 2, 4, 5, and 6, Code
2 2023, are amended to read as follows:

3 1. Plan, establish and maintain treatment, intervention,
4 education, and prevention programs as necessary or desirable in
5 accordance with the comprehensive substance ~~abuse~~ use disorder
6 program.

7 2. Make contracts necessary or incidental to the
8 performance of the duties and the execution of the powers
9 of the director, including contracts with public and
10 private agencies, organizations and individuals to pay
11 them for services rendered or furnished to persons with
12 ~~substance-related disorders~~ a substance use disorder.

13 4. Coordinate the activities of the department and
14 cooperate with substance ~~abuse~~ use disorder programs in
15 this and other states, and make contracts and other joint or
16 cooperative arrangements with state, local or private agencies
17 in this and other states for the treatment of persons with
18 ~~substance-related disorders~~ a substance use disorder and
19 for the common advancement of substance ~~abuse~~ use disorder
20 programs.

21 5. Require that a written report, in reasonable detail, be
22 submitted to the director at any time by any agency of this
23 state or of any of its political subdivisions in respect to any
24 substance ~~abuse~~ use disorder prevention function, or program
25 for the benefit of persons who are or have been involved in
26 substance ~~abuse~~ use disorder, which is being conducted by the
27 agency.

28 6. Submit to the governor a written report of the
29 pertinent facts at any time the director concludes that any
30 agency of this state or of any of its political subdivisions
31 is conducting any substance ~~abuse~~ use disorder prevention
32 function, or program for the benefit of persons who are or have
33 been involved in substance ~~abuse~~ use disorder in a manner not
34 consistent with or which impairs achievement of the objectives
35 of the state plan to combat substance ~~abuse~~ use disorder, and

1 has failed to effect appropriate changes in the function or
2 program.

3 Sec. 83. Section 125.10, Code 2023, is amended to read as
4 follows:

5 **125.10 Duties of director.**

6 The director shall:

7 1. Prepare and submit a state plan subject to approval by
8 the ~~board~~ council and in accordance with 42 U.S.C. §300x-21 et
9 seq. The state plan shall designate the department as the sole
10 agency for supervising the administration of the plan.

11 2. Develop, encourage, and foster statewide, regional,
12 and local plans and programs for the prevention of substance
13 ~~misuse~~ use disorder and the treatment of persons with
14 ~~substance-related disorders~~ a substance use disorder in
15 cooperation with public and private agencies, organizations and
16 individuals, and provide technical assistance and consultation
17 services for these purposes.

18 3. Coordinate the efforts and enlist the assistance of all
19 public and private agencies, organizations, and individuals
20 interested in the prevention of substance ~~misuse~~ use disorder
21 and the treatment of persons with ~~substance-related disorders~~ a
22 substance use disorder. The director's actions to implement
23 this subsection shall also address the treatment needs of
24 persons who have a mental illness, an intellectual disability,
25 brain injury, or other co-occurring condition in addition to a
26 ~~substance-related~~ substance use disorder.

27 4. Cooperate with the department of ~~human services~~ and
28 ~~the Iowa department of public health~~ in establishing and
29 conducting programs to provide treatment for persons with
30 ~~substance-related disorders~~ a substance use disorder.

31 5. Cooperate with the department of education, boards
32 of education, schools, police departments, courts, and other
33 public and private agencies, organizations, and individuals
34 in establishing programs for the prevention of substance
35 ~~misuse~~ use disorder and the treatment of persons with

1 ~~substance-related disorders~~ a substance use disorder, and in
2 preparing relevant curriculum materials for use at all levels
3 of school education.

4 6. Prepare, publish, evaluate and disseminate educational
5 material dealing with the nature and effects of chemical
6 substances.

7 7. Develop and implement, as an integral part of treatment
8 programs, an educational program for use in the treatment
9 of persons with ~~substance-related disorders~~ a substance use
10 disorder, which program shall include the dissemination of
11 information concerning the nature and effects of substances.

12 8. Organize and implement, in cooperation with local
13 treatment programs, training programs for all persons engaged
14 in treatment of persons with ~~substance-related disorders~~ a
15 substance use disorder.

16 9. Sponsor and implement research in cooperation with
17 local treatment programs into the causes and nature of
18 substance ~~misuse~~ use disorder and treatment of persons with
19 ~~substance-related disorders~~ a substance use disorder, and serve
20 as a clearing house for information relating to substance
21 ~~misuse~~ use disorder.

22 10. Specify uniform methods for keeping statistical
23 information by public and private agencies, organizations,
24 and individuals, and collect and make available relevant
25 statistical information, including number of persons treated,
26 frequency of admission and readmission, and frequency and
27 duration of treatment.

28 11. Develop and implement, with the counsel and approval
29 of the ~~board~~ council, the comprehensive plan for treatment
30 of persons with ~~substance-related disorders~~ a substance use
31 disorder in accordance with this chapter.

32 12. Assist in the development of, and cooperate with,
33 substance ~~abuse~~ use disorder education and treatment programs
34 for employees of state and local governments and businesses and
35 industries in the state.

1 13. Utilize the support and assistance of interested
2 persons in the community, particularly persons who are
3 recovering from ~~substance-related disorders~~ a substance use
4 disorder to encourage persons with ~~substance-related disorders~~
5 a substance use disorder to voluntarily undergo treatment.

6 14. Cooperate with the commissioner of public safety in
7 establishing and conducting programs designed to deal with the
8 problem of persons operating motor vehicles while intoxicated.

9 15. Encourage general hospitals and other appropriate
10 health facilities to admit without discrimination persons
11 with ~~substance-related disorders~~ a substance use disorder
12 and to provide them with adequate and appropriate treatment.
13 The director may negotiate and implement contracts with
14 hospitals and other appropriate health facilities with adequate
15 detoxification facilities.

16 16. Encourage all health and disability insurance programs
17 to include ~~substance-related~~ substance use disorders as covered
18 illnesses.

19 17. Review all state health, welfare, education and
20 treatment proposals to be submitted for federal funding under
21 federal legislation, and advise the governor on provisions
22 to be included relating to substance ~~misuse~~ use disorder and
23 persons with ~~substance-related disorders~~ a substance use
24 disorder.

25 Sec. 84. Section 125.12, subsections 1 and 3, Code 2023, are
26 amended to read as follows:

27 1. The ~~board~~ council shall review the comprehensive
28 substance ~~abuse~~ use disorder program implemented by the
29 department for the treatment of persons with ~~substance-related~~
30 ~~disorders~~ a substance use disorder and concerned family
31 members. Subject to the review of the ~~board~~ council, the
32 director shall divide the state into appropriate regions
33 for the conduct of the program and establish standards for
34 the development of the program on the regional level. In
35 establishing the regions, consideration shall be given to city

1 and county lines, population concentrations, and existing
 2 substance ~~abuse~~ use disorder treatment services.

3 3. The director shall provide for adequate and appropriate
 4 treatment for persons with ~~substance-related disorders~~ a
 5 substance use disorder and concerned family members admitted
 6 under sections 125.33 and 125.34, or under section 125.75,
 7 125.81, or 125.91. Treatment shall not be provided at a
 8 correctional institution except for inmates. A mental health
 9 professional who is employed by a treatment provider under the
 10 program may provide treatment to a person with co-occurring
 11 ~~substance-related~~ substance use and mental health disorders.
 12 Such treatment may also be provided by a person employed by
 13 such a treatment provider who is receiving the supervision
 14 required to meet the definition of mental health professional
 15 but has not completed the supervision component.

16 Sec. 85. Section 125.13, subsection 1, paragraph a, Code
 17 2023, is amended to read as follows:

18 a. Except as provided in subsection 2, a person shall not
 19 maintain or conduct any chemical substitutes or antagonists
 20 program, residential program, or nonresidential outpatient
 21 program, the primary purpose of which is the treatment and
 22 rehabilitation of persons with ~~substance-related disorders~~ a
 23 substance use disorder without having first obtained a written
 24 license for the program from the department.

25 Sec. 86. Section 125.13, subsection 2, paragraphs a, b, c,
 26 f, i, and j, Code 2023, are amended to read as follows:

27 a. A hospital providing care or treatment to persons
 28 with ~~substance-related disorders~~ a substance use disorder
 29 licensed under chapter 135B which is accredited by the joint
 30 commission on the accreditation of health care organizations,
 31 the commission on accreditation of rehabilitation facilities,
 32 the American osteopathic association, or another recognized
 33 organization approved by the ~~board~~ council. All survey reports
 34 from the accrediting or licensing body must be sent to the
 35 department.

1 *b.* Any practitioner of medicine and surgery or osteopathic
2 medicine and surgery, in the practitioner's private practice.
3 However, a program shall not be exempted from licensing by the
4 ~~board~~ council by virtue of its utilization of the services of a
5 medical practitioner in its operation.

6 *c.* Private institutions conducted by and for persons who
7 adhere to the faith of any well recognized church or religious
8 denomination for the purpose of providing care, treatment,
9 counseling, or rehabilitation to persons with ~~substance-related~~
10 ~~disorders~~ a substance use disorder and who rely solely on
11 prayer or other spiritual means for healing in the practice of
12 religion of such church or denomination.

13 *f.* Individuals in private practice who are providing
14 substance ~~abuse~~ use disorder treatment services independent
15 from a program that is required to be licensed under subsection
16 1.

17 *i.* A substance ~~abuse~~ use disorder treatment program not
18 funded by the department which is accredited or licensed
19 by the joint commission on the accreditation of health
20 care organizations, the commission on the accreditation
21 of rehabilitation facilities, the American osteopathic
22 association, or another recognized organization approved by
23 the ~~board~~ council. All survey reports from the accrediting or
24 licensing body must be sent to the department.

25 *j.* A hospital substance ~~abuse~~ use disorder treatment program
26 that is accredited or licensed by the joint commission on the
27 accreditation of health care organizations, the commission on
28 the accreditation of rehabilitation facilities, the American
29 osteopathic association, or another recognized organization
30 approved by the ~~board~~ council. All survey reports for the
31 hospital substance ~~abuse~~ use disorder treatment program
32 from the accrediting or licensing body shall be sent to the
33 department.

34 Sec. 87. Section 125.14, Code 2023, is amended to read as
35 follows:

1 **125.14 Licenses — renewal — fees.**

2 The ~~board~~ council shall consider all cases involving initial
 3 issuance, and renewal, denial, suspension, or revocation
 4 of a license. The department shall issue a license to an
 5 applicant whom the ~~board~~ council determines meets the licensing
 6 requirements of this chapter. Licenses shall expire no
 7 later than three years from the date of issuance and shall be
 8 renewed upon timely application made in the same manner as
 9 for initial issuance of a license unless notice of nonrenewal
 10 is given to the licensee at least thirty days prior to the
 11 expiration of the license. The department shall not charge a
 12 fee for licensing or renewal of programs contracting with the
 13 department for provision of treatment services. A fee may be
 14 charged to other licensees.

15 Sec. 88. Section 125.14A, Code 2023, is amended to read as
 16 follows:

17 **125.14A Personnel of a licensed program admitting juveniles.**

18 1. If a person is being considered for licensure under this
 19 chapter, or for employment involving direct responsibility for
 20 a child or with access to a child when the child is alone, by
 21 a program admitting juveniles subject to licensure under this
 22 chapter, or if a person will reside in a facility utilized
 23 by such a program, and if the person has been convicted of
 24 a crime or has a record of founded child abuse, the record
 25 check evaluation system of the department of human services
 26 and the program, for an employee of the program, shall perform
 27 an evaluation to determine whether the crime or founded
 28 child abuse warrants prohibition of licensure, employment, or
 29 residence in the facility. The ~~department of human services~~
 30 record check evaluation system shall conduct criminal and
 31 child abuse record checks in this state and may conduct these
 32 checks in other states. The evaluation shall be performed in
 33 accordance with procedures adopted for this purpose by the
 34 department ~~of human services~~.

35 2. If the ~~department of human services~~ record check

1 evaluation system determines that a person has committed a
2 crime or has a record of founded child abuse and is licensed,
3 employed by a program licensed under this chapter, or resides
4 in a licensed facility the ~~department~~ record check evaluation
5 system shall notify the program that an evaluation will be
6 conducted to determine whether prohibition of the person's
7 licensure, employment, or residence is warranted.

8 3. In an evaluation, the ~~department of human services~~
9 record check evaluation system and the program for an employee
10 of the program shall consider the nature and seriousness of
11 the crime or founded child abuse in relation to the position
12 sought or held, the time elapsed since the commission of the
13 crime or founded child abuse, the circumstances under which
14 the crime or founded child abuse was committed, the degree of
15 rehabilitation, the likelihood that the person will commit the
16 crime or founded child abuse again, and the number of crimes
17 or founded child abuses committed by the person involved. The
18 ~~department of human services~~ record check evaluation system
19 may permit a person who is evaluated to be licensed, employed,
20 or to reside, or to continue to be licensed, employed, or
21 to reside in a program, if the person complies with the
22 ~~department's~~ record check evaluation system's conditions
23 relating to the person's licensure, employment, or residence,
24 which may include completion of additional training. For an
25 employee of a licensee, these conditional requirements shall
26 be developed with the licensee. The ~~department of human~~
27 ~~services~~ record check evaluation system has final authority
28 in determining whether prohibition of the person's licensure,
29 employment, or residence is warranted and in developing any
30 conditional requirements under this subsection.

31 4. If the ~~department of human services~~ record check
32 evaluation system determines that the person has committed a
33 crime or has a record of founded child abuse which warrants
34 prohibition of licensure, employment, or residence, the person
35 shall not be licensed under this chapter to operate a program

1 admitting juveniles and shall not be employed by a program or
2 reside in a facility admitting juveniles licensed under this
3 chapter.

4 5. In addition to the record checks required under this
5 section, the ~~department of human services~~ record check
6 evaluation system may conduct dependent adult abuse record
7 checks in this state and may conduct these checks in other
8 states, on a random basis. The provisions of this section,
9 relative to an evaluation following a determination that a
10 person has been convicted of a crime or has a record of founded
11 child abuse, shall also apply to a random check conducted under
12 this subsection.

13 6. ~~Beginning July 1, 1994, a~~ A program or facility shall
14 inform all new applicants for employment of the possibility
15 of the performance of a record check and shall obtain, from
16 the applicant, a signed acknowledgment of the receipt of the
17 information.

18 7. ~~On or after July 1, 1994, a~~ A program or facility shall
19 include the following inquiry in an application for employment:
20 Do you have a record of founded child or dependent adult abuse
21 or have you ever been convicted of a crime, in this state or any
22 other state?

23 Sec. 89. Section 125.15, Code 2023, is amended to read as
24 follows:

25 **125.15 Inspections.**

26 The department may inspect the facilities and review the
27 procedures utilized by any chemical substitutes or antagonists
28 program, residential program, or nonresidential outpatient
29 program that has as a primary purpose the treatment and
30 rehabilitation of persons with ~~substance-related disorders~~ a
31 substance use disorder, for the purpose of ensuring compliance
32 with this chapter and the rules adopted pursuant to this
33 chapter. The examination and review may include case record
34 audits and interviews with staff and patients, consistent with
35 the confidentiality safeguards of state and federal law.

1 Sec. 90. Section 125.15A, subsection 1, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 The department may place an employee or agent to serve as a
4 monitor in a licensed substance ~~abuse~~ use disorder treatment
5 program or may petition the court for appointment of a receiver
6 for a program when any of the following conditions exist:

7 Sec. 91. Section 125.15A, subsection 1, paragraph b, Code
8 2023, is amended to read as follows:

9 b. The ~~board~~ council has suspended, revoked, or refused to
10 renew the existing license of the program.

11 Sec. 92. Section 125.16, Code 2023, is amended to read as
12 follows:

13 **125.16 Transfer of license or change of location prohibited.**

14 A license issued under this chapter may not be transferred,
15 and the location of the physical facilities occupied or
16 utilized by any program licensed under this chapter shall not
17 be changed without the prior written consent of the ~~board~~
18 council.

19 Sec. 93. Section 125.17, Code 2023, is amended to read as
20 follows:

21 **125.17 License suspension or revocation.**

22 Violation of any of the requirements or restrictions of
23 this chapter or of any of the rules adopted pursuant to this
24 chapter is cause for suspension, revocation, or refusal to
25 renew a license. The director shall at the earliest time
26 feasible notify a licensee whose license the ~~board~~ council
27 is considering suspending or revoking and shall inform the
28 licensee what changes must be made in the licensee's operation
29 to avoid such action. The licensee shall be given a reasonable
30 time for compliance, as determined by the director, after
31 receiving such notice or a notice that the ~~board~~ council does
32 not intend to renew the license. When the licensee believes
33 compliance has been achieved, or if the licensee considers
34 the proposed suspension, revocation, or refusal to renew
35 unjustified, the licensee may submit pertinent information to

1 the ~~board~~ council and the ~~board~~ council shall expeditiously
2 make a decision in the matter and notify the licensee of the
3 decision.

4 Sec. 94. Section 125.18, Code 2023, is amended to read as
5 follows:

6 **125.18 Hearing before ~~board~~ council.**

7 If a licensee under this chapter makes a written request
8 for a hearing within thirty days of suspension, revocation,
9 or refusal to renew a license, a hearing before the ~~board~~
10 council shall be expeditiously arranged by the department of
11 inspections and appeals whose decision is subject to review by
12 the ~~board~~ council. The ~~board~~ council shall issue a written
13 statement of the ~~board's~~ council's findings within thirty days
14 after conclusion of the hearing upholding or reversing the
15 proposed suspension, revocation, or refusal to renew a license.
16 Action involving suspension, revocation, or refusal to renew a
17 license shall not be taken by the ~~board~~ council unless a quorum
18 is present at the meeting. A copy of the ~~board's~~ council's
19 decision shall be promptly transmitted to the affected licensee
20 who may, if aggrieved by the decision, seek judicial review of
21 the actions of the ~~board~~ council in accordance with the terms
22 of chapter 17A.

23 Sec. 95. Section 125.19, Code 2023, is amended to read as
24 follows:

25 **125.19 Reissuance or reinstatement.**

26 After suspension, revocation, or refusal to renew a license
27 pursuant to this chapter, the affected licensee shall not have
28 the license reissued or reinstated within one year of the
29 effective date of the suspension, revocation, or expiration
30 upon refusal to renew, unless the ~~board~~ council orders
31 otherwise. After that time, proof of compliance with the
32 requirements and restrictions of this chapter and the rules
33 adopted pursuant to this chapter must be presented to the ~~board~~
34 council prior to reinstatement or reissuance of a license.

35 Sec. 96. Section 125.20, Code 2023, is amended to read as

1 follows:

2 **125.20 Rules.**

3 The department shall establish rules pursuant to chapter
4 17A requiring facilities to use reasonable accounting and
5 reimbursement systems which recognize relevant cost-related
6 factors for patients with a substance abuse ~~patients use~~
7 disorder. A facility shall not be licensed nor shall any
8 payment be made under this chapter to a facility which fails
9 to comply with those rules or which does not permit inspection
10 by the department or examination of all records, including
11 financial records, methods of administration, general and
12 special dietary programs, the disbursement of drugs and methods
13 of supply, and any other records the department deems relevant
14 to the establishment of such a system. However, rules issued
15 pursuant to this paragraph shall not apply to any facility
16 referred to in section 125.13, subsection 2 or section 125.43.

17 Sec. 97. Section 125.21, subsection 1, Code 2023, is amended
18 to read as follows:

19 1. The ~~board~~ council has exclusive power in this state
20 to approve and license chemical substitutes and antagonists
21 programs, and to monitor chemical substitutes and antagonists
22 programs to ensure that the programs are operating within the
23 rules adopted pursuant to this chapter. The ~~board~~ council
24 shall grant approval and license if the requirements of the
25 rules are met and state funding is not requested. The chemical
26 substitutes and antagonists programs conducted by persons
27 exempt from the licensing requirements of this chapter pursuant
28 to section 125.13, subsection 2, are subject to approval and
29 licensure under this section.

30 Sec. 98. Section 125.25, subsection 1, Code 2023, is amended
31 to read as follows:

32 1. Before making any allocation of funds to a local
33 substance ~~abuse~~ use disorder program, the department shall
34 require a detailed line item budget clearly indicating the
35 funds received from each revenue source for the fiscal year

1 for which the funds are requested on forms provided by the
2 department for each program.

3 Sec. 99. Section 125.32, unnumbered paragraph 1, Code 2023,
4 is amended to read as follows:

5 The department shall adopt and may amend and repeal rules
6 for acceptance of persons into the treatment program, subject
7 to chapter 17A, considering available treatment resources and
8 facilities, for the purpose of early and effective treatment
9 of persons with ~~substance-related disorders~~ a substance
10 use disorder and concerned family members. In establishing
11 the rules the department shall be guided by the following
12 standards:

13 Sec. 100. Section 125.32A, Code 2023, is amended to read as
14 follows:

15 **125.32A Discrimination prohibited.**

16 Any substance ~~abuse~~ use disorder treatment program receiving
17 state funding under this chapter or any other chapter of the
18 Code shall not discriminate against a person seeking treatment
19 solely because the person is pregnant, unless the program
20 in each instance identifies and refers the person to an
21 alternative and acceptable treatment program for the person.

22 Sec. 101. Section 125.33, Code 2023, is amended to read as
23 follows:

24 **125.33 Voluntary treatment of persons with ~~substance-related~~**
25 **~~disorders~~ a substance use disorder.**

26 1. A person with a ~~substance-related~~ substance use
27 disorder may apply for voluntary treatment or rehabilitation
28 services directly to a facility or to a licensed physician and
29 surgeon or osteopathic physician and surgeon or to a mental
30 health professional. If the proposed patient is a minor or
31 an incompetent person, a parent, a legal guardian or other
32 legal representative may make the application. The licensed
33 physician and surgeon or osteopathic physician and surgeon,
34 mental health professional, or any employee or person acting
35 under the direction or supervision of the physician and

1 surgeon or osteopathic physician and surgeon, mental health
2 professional, or facility shall not report or disclose the
3 name of the person or the fact that treatment was requested
4 or has been undertaken to any law enforcement officer or law
5 enforcement agency; nor shall such information be admissible as
6 evidence in any court, grand jury, or administrative proceeding
7 unless authorized by the person seeking treatment. If the
8 person seeking such treatment or rehabilitation is a minor who
9 has personally made application for treatment, the fact that
10 the minor sought treatment or rehabilitation or is receiving
11 treatment or rehabilitation services shall not be reported
12 or disclosed to the parents or legal guardian of such minor
13 without the minor's consent, and the minor may give legal
14 consent to receive such treatment and rehabilitation.

15 2. Subject to rules adopted by the department, the
16 administrator or the administrator's designee in charge of a
17 facility may determine who shall be admitted for treatment
18 or rehabilitation. If a person is refused admission, the
19 administrator or the administrator's designee, subject to rules
20 adopted by the department, shall refer the person to another
21 facility for treatment if possible and appropriate.

22 3. A person with a ~~substance-related~~ substance use
23 disorder seeking treatment or rehabilitation and who is
24 either addicted to or dependent on a chemical substance may
25 first be examined and evaluated by a licensed physician and
26 surgeon or osteopathic physician and surgeon or a mental health
27 professional who may prescribe, if authorized or licensed
28 to do so, a proper course of treatment and medication, if
29 needed. The licensed physician and surgeon or osteopathic
30 physician and surgeon or mental health professional may further
31 prescribe a course of treatment or rehabilitation and authorize
32 another licensed physician and surgeon or osteopathic physician
33 and surgeon, mental health professional, or facility to
34 provide the prescribed treatment or rehabilitation services.
35 Treatment or rehabilitation services may be provided to a

1 person individually or in a group. A facility providing or
2 engaging in treatment or rehabilitation shall not report or
3 disclose to a law enforcement officer or law enforcement
4 agency the name of any person receiving or engaged in the
5 treatment or rehabilitation; nor shall a person receiving or
6 participating in treatment or rehabilitation report or disclose
7 the name of any other person engaged in or receiving treatment
8 or rehabilitation or that the program is in existence, to
9 a law enforcement officer or law enforcement agency. Such
10 information shall not be admitted in evidence in any court,
11 grand jury, or administrative proceeding. However, a person
12 engaged in or receiving treatment or rehabilitation may
13 authorize the disclosure of the person's name and individual
14 participation.

15 4. If a patient receiving inpatient or residential care
16 leaves a facility, the patient shall be encouraged to consent
17 to appropriate outpatient or halfway house treatment. If it
18 appears to the administrator in charge of the facility that
19 the patient is a person with a ~~substance-related~~ substance
20 use disorder who requires help, the director may arrange for
21 assistance in obtaining supportive services.

22 5. If a patient leaves a facility, with or against the
23 advice of the administrator in charge of the facility, the
24 director may make reasonable provisions for the patient's
25 transportation to another facility or to the patient's home.
26 If the patient has no home the patient shall be assisted in
27 obtaining shelter. If the patient is a minor or an incompetent
28 person, the request for discharge from an inpatient facility
29 shall be made by a parent, legal guardian, or other legal
30 representative, or by the minor or incompetent person if the
31 patient was the original applicant.

32 6. Any person who reports or discloses the name of a
33 person receiving treatment or rehabilitation services to a
34 law enforcement officer or law enforcement agency or any
35 person receiving treatment or rehabilitation services who

1 discloses the name of any other person receiving treatment or
2 rehabilitation services without the written consent of the
3 person in violation of the provisions of this section shall
4 upon conviction be guilty of a simple misdemeanor.

5 Sec. 102. Section 125.34, Code 2023, is amended to read as
6 follows:

7 **125.34 Treatment and services for persons with**
8 **~~substance-related disorders~~ a substance use disorder due to**
9 **intoxication and substance-induced incapacitation.**

10 1. A person with a ~~substance-related~~ substance use disorder
11 due to intoxication or substance-induced incapacitation may
12 come voluntarily to a facility for emergency treatment. A
13 person who appears to be intoxicated or incapacitated by a
14 substance in a public place and in need of help may be taken
15 to a facility by a peace officer under section 125.91. If
16 the person refuses the proffered help, the person may be
17 arrested and charged with intoxication under section 123.46,
18 if applicable.

19 2. If no facility is readily available the person may
20 be taken to an emergency medical service customarily used
21 for incapacitated persons. The peace officer in detaining
22 the person and in taking the person to a facility shall make
23 every reasonable effort to protect the person's health and
24 safety. In detaining the person the detaining officer may take
25 reasonable steps for self-protection. Detaining a person under
26 section 125.91 is not an arrest and no entry or other record
27 shall be made to indicate that the person who is detained has
28 been arrested or charged with a crime.

29 3. A person who arrives at a facility and voluntarily
30 submits to examination shall be examined by a licensed
31 physician and surgeon or osteopathic physician and surgeon or
32 mental health professional as soon as possible after the person
33 arrives at the facility. The person may then be admitted as a
34 patient or referred to another health facility. The referring
35 facility shall arrange for transportation.

1 4. If a person is voluntarily admitted to a facility, the
2 person's family or next of kin shall be notified as promptly
3 as possible. If an adult patient who is not incapacitated
4 requests that there be no notification, the request shall be
5 respected.

6 5. A peace officer who acts in compliance with this section
7 is acting in the course of the officer's official duty and is
8 not criminally or civilly liable ~~therefor~~ for such acts, unless
9 such acts constitute willful malice or abuse.

10 6. If the physician and surgeon or osteopathic physician
11 and surgeon in charge of the facility determines it is for the
12 patient's benefit, the patient shall be encouraged to agree to
13 further diagnosis and appropriate voluntary treatment.

14 7. A licensed physician and surgeon or osteopathic
15 physician and surgeon, mental health professional, facility
16 administrator, or an employee or a person acting as or on
17 behalf of the facility administrator, is not criminally or
18 civilly liable for acts in conformity with this chapter, unless
19 the acts constitute willful malice or abuse.

20 Sec. 103. Section 125.37, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Notwithstanding subsection 1, the director may make
23 available information from patients' records for purposes of
24 research into the causes and treatment of substance ~~abuse~~ use
25 disorder. Information under this subsection shall not be
26 published in a way that discloses patients' names or other
27 identifying information.

28 Sec. 104. Section 125.39, Code 2023, is amended to read as
29 follows:

30 **125.39 Eligible entities.**

31 A local governmental unit which is providing funds to a
32 facility for treatment of substance ~~abuse~~ use disorder may
33 request from the facility a treatment program plan prior to
34 authorizing payment of any claims filed by the facility. The
35 governing body of the local governmental unit may review the

1 plan, but shall not impose on the facility any requirement
 2 conflicting with the comprehensive treatment program of the
 3 facility.

4 Sec. 105. Section 125.43, Code 2023, is amended to read as
 5 follows:

6 **125.43 Funding at mental health institutes.**

7 Chapter 230 governs the determination of the costs
 8 and payment for treatment provided to persons with
 9 ~~substance-related disorders~~ a substance use disorder in a
 10 mental health institute under the department ~~of human services,~~
 11 except that the charges are not a lien on real estate owned
 12 by persons legally liable for support of the person with a
 13 ~~substance-related~~ substance use disorder and the daily per diem
 14 shall be billed at twenty-five percent. The superintendent of
 15 a state ~~hospital~~ mental health institute shall total only those
 16 expenditures which can be attributed to the cost of providing
 17 inpatient treatment to persons with ~~substance-related disorders~~
 18 a substance use disorder for purposes of determining the daily
 19 per diem. Section 125.44 governs the determination of who is
 20 legally liable for the cost of care, maintenance, and treatment
 21 of a person with a ~~substance-related~~ substance use disorder and
 22 of the amount for which the person is liable.

23 Sec. 106. Section 125.43A, Code 2023, is amended to read as
 24 follows:

25 **125.43A Prescreening — exception.**

26 Except in cases of medical emergency or court-ordered
 27 admissions, a person shall be admitted to a state mental health
 28 institute for treatment of a ~~substance-related~~ substance use
 29 disorder only after a preliminary intake and assessment by a
 30 department-licensed treatment facility or a hospital providing
 31 care or treatment for persons with ~~substance-related disorders~~
 32 a substance use disorder licensed under chapter 135B and
 33 accredited by the joint commission on the accreditation of
 34 health care organizations, the commission on accreditation
 35 of rehabilitation facilities, the American osteopathic

1 association, or another recognized organization approved by
2 the ~~board~~ council, or by a designee of a department-licensed
3 treatment facility or a hospital other than a state mental
4 health institute, which confirms that the admission is
5 appropriate to the person's ~~substance-related~~ substance use
6 disorder service needs. A county board of supervisors may seek
7 an admission of a patient to a state mental health institute
8 who has not been confirmed for appropriate admission and the
9 county shall be responsible for one hundred percent of the cost
10 of treatment and services of the patient.

11 Sec. 107. Section 125.44, Code 2023, is amended to read as
12 follows:

13 **125.44 Agreements with facilities — liability for costs.**

14 1. The director may, consistent with the comprehensive
15 substance ~~abuse~~ use disorder program, enter into written
16 agreements with a facility as defined in section 125.2 to pay
17 for one hundred percent of the cost of the care, maintenance,
18 and treatment of persons with ~~substance-related disorders~~ a
19 substance use disorder, except when section 125.43A applies.
20 All payments for state patients shall be made in accordance
21 with the limitations of this section. Such contracts shall be
22 for a period of no more than one year.

23 2. The contract may be in the form and contain provisions
24 as agreed upon by the parties. The contract shall provide
25 that the facility shall admit and treat persons with
26 ~~substance-related disorders~~ a substance use disorder regardless
27 of where they have residence. If one payment for care,
28 maintenance, and treatment is not made by the patient or
29 those legally liable for the patient, the payment shall be
30 made by the department directly to the facility. Payments
31 shall be made each month and shall be based upon the rate of
32 payment for services negotiated between the department and the
33 contracting facility. If a facility projects a temporary cash
34 flow deficit, the department may make cash advances at the
35 beginning of each fiscal year to the facility. The repayment

1 schedule for advances shall be part of the contract between the
2 department and the facility. This section does not pertain to
3 patients treated at the mental health institutes.

4 3. If the appropriation to the department is insufficient
5 to meet the requirements of this section, the department shall
6 request a transfer of funds and section 8.39 shall apply.

7 4. The person with a ~~substance-related~~ substance use
8 disorder is legally liable to the facility for the total amount
9 of the cost of providing care, maintenance, and treatment for
10 the person with a ~~substance-related~~ substance use disorder
11 while a voluntary or committed patient in a facility. This
12 section does not prohibit any individual from paying any
13 portion of the cost of treatment.

14 5. The department is liable for the cost of care, treatment,
15 and maintenance of persons with ~~substance-related disorders~~ a
16 substance use disorder admitted to the facility voluntarily or
17 pursuant to section 125.75, 125.81, or 125.91 or section 321J.3
18 or 124.409 only to those facilities that have a contract with
19 the department under this section, only for the amount computed
20 according to and within the limits of liability prescribed by
21 this section, and only when the person with a ~~substance-related~~
22 substance use disorder is unable to pay the costs and there is
23 no other person, firm, corporation, or insurance company bound
24 to pay the costs.

25 6. The department's maximum liability for the costs of care,
26 treatment, and maintenance of persons with ~~substance-related~~
27 ~~disorders~~ a substance use disorder in a contracting facility
28 is limited to the total amount agreed upon by the parties and
29 specified in the contract under this section.

30 Sec. 108. Section 125.46, Code 2023, is amended to read as
31 follows:

32 **125.46 County of residence determined.**

33 The facility shall, when a person with a ~~substance-related~~
34 substance use disorder is admitted, or as soon thereafter as
35 it receives the proper information, determine and enter upon

1 its records the Iowa county of residence of the person with a
2 ~~substance-related~~ substance use disorder, or that the person
3 resides in some other state or country, or that the person is
4 unclassified with respect to residence.

5 Sec. 109. Section 125.55, Code 2023, is amended to read as
6 follows:

7 **125.55 Audits.**

8 All licensed substance ~~abuse~~ use disorder programs are
9 subject to annual audit either by the auditor of state or in
10 lieu of an audit by the auditor of state the substance ~~abuse~~
11 use disorder program may contract with or employ certified
12 public accountants to conduct the audit, in accordance with
13 sections 11.6, 11.14, and 11.19. The audit format shall be
14 as prescribed by the auditor of state. The certified public
15 accountant shall submit a copy of the audit to the director. A
16 licensed substance ~~abuse~~ use disorder program is also subject
17 to special audits as the director requests. The licensed
18 substance ~~abuse~~ use disorder program or the department shall
19 pay all expenses incurred by the auditor of state in conducting
20 an audit under this section.

21 Sec. 110. Section 125.58, Code 2023, is amended to read as
22 follows:

23 **125.58 Inspection — penalties.**

24 1. If the department has probable cause to believe that
25 an institution, place, building, or agency not licensed as
26 a substance ~~abuse~~ use disorder treatment and rehabilitation
27 facility is in fact a substance ~~abuse~~ use disorder treatment
28 and rehabilitation facility as defined by this chapter, and
29 is not exempt from licensing by section 125.13, subsection 2,
30 the ~~board~~ council may order an inspection of the institution,
31 place, building, or agency. If the inspector upon presenting
32 proper identification is denied entry for the purpose of making
33 the inspection, the inspector may, with the assistance of
34 the county attorney of the county in which the premises are
35 located, apply to the district court for an order requiring

1 the owner or occupant to permit entry and inspection of the
2 premises to determine whether there have been violations
3 of this chapter. The investigation may include review of
4 records, reports, and documents maintained by the facility
5 and interviews with staff members consistent with the
6 confidentiality safeguards of state and federal law.

7 2. A person establishing, conducting, managing, or
8 operating a substance ~~abuse~~ use disorder treatment and
9 rehabilitation facility without a license is guilty of a
10 serious misdemeanor. Each day of continued violation after
11 conviction or notice from the department by certified mail of a
12 violation shall be considered a separate offense or chargeable
13 offense. A person establishing, conducting, managing or
14 operating a substance ~~abuse~~ use disorder treatment and
15 rehabilitation facility without a license may be temporarily
16 or permanently restrained therefrom by a court of competent
17 jurisdiction in an action brought by the state.

18 3. Notwithstanding the existence or pursuit of any other
19 remedy, the department may, in the manner provided by law,
20 maintain an action in the name of the state for injunction or
21 other process against a person or governmental unit to restrain
22 or prevent the establishment, conduct, management or operation
23 of a substance ~~abuse~~ use disorder treatment and rehabilitation
24 facility without a license.

25 Sec. 111. Section 125.59, subsection 1, paragraph a,
26 unnumbered paragraph 1, Code 2023, is amended to read as
27 follows:

28 Of these funds, notwithstanding section 125.13, subsection
29 1, one-half of the transferred amount shall be used for grants
30 to counties operating a substance ~~abuse~~ use disorder program
31 involving only education, prevention, referral or posttreatment
32 services, either with the counties' own employees or by
33 contract with a nonprofit corporation. The grants shall not
34 annually exceed ten thousand dollars to any one county, subject
35 to the following conditions:

1 Sec. 112. Section 125.59, subsection 1, paragraph b, Code
2 2023, is amended to read as follows:

3 b. If the transferred amount for this subsection exceeds
4 grant requests funded to the ten thousand dollar maximum,
5 the department of ~~public health~~ may use the remainder for
6 activities and public information resources that align with
7 best practices for ~~substance-related~~ substance use disorder
8 prevention or to increase grants pursuant to subsection 2.

9 Sec. 113. Section 125.75, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. Proceedings for the involuntary commitment or treatment
12 of a person with a ~~substance-related~~ substance use disorder
13 to a facility pursuant to this chapter or for the involuntary
14 hospitalization of a person pursuant to chapter 229 may
15 be commenced by any interested person by filing a verified
16 application with the clerk of the district court of the
17 county where the respondent is presently located or which
18 is the respondent's place of residence. The clerk or the
19 clerk's designee shall assist the applicant in completing the
20 application.

21 Sec. 114. Section 125.75, subsection 2, paragraph a,
22 subparagraph (1), Code 2023, is amended to read as follows:

23 (1) A ~~substance-related~~ substance use disorder as defined
24 in section 125.2.

25 Sec. 115. Section 125.80, subsections 3 and 4, Code 2023,
26 are amended to read as follows:

27 3. If the report of a court-designated licensed physician
28 and surgeon or osteopathic physician and surgeon or mental
29 health professional is to the effect that the respondent is
30 not a person with a ~~substance-related~~ substance use disorder,
31 the court, without taking further action, shall terminate the
32 proceeding and dismiss the application on its own motion and
33 without notice.

34 4. If the report of a court-designated licensed physician
35 and surgeon or osteopathic physician and surgeon or mental

1 health professional is to the effect that the respondent is a
2 person with a ~~substance-related~~ substance use disorder, the
3 court shall schedule a commitment hearing as soon as possible.
4 The hearing shall be held not more than forty-eight hours
5 after the report is filed, excluding Saturdays, Sundays, and
6 holidays, unless an extension for good cause is requested
7 by the respondent, or as soon thereafter as possible if the
8 court considers that sufficient grounds exist for delaying the
9 hearing.

10 Sec. 116. Section 125.81, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. If a person filing an application requests that a
13 respondent be taken into immediate custody, and the court upon
14 reviewing the application and accompanying documentation, finds
15 probable cause to believe that the respondent is a person with
16 a ~~substance-related~~ substance use disorder who is likely to
17 injure the person or other persons if allowed to remain at
18 liberty, the court may enter a written order directing that
19 the respondent be taken into immediate custody by the sheriff,
20 and be detained until the commitment hearing, which shall
21 be held no more than five days after the date of the order,
22 except that if the fifth day after the date of the order is
23 a Saturday, Sunday, or a holiday, the hearing may be held on
24 the next business day. The court may order the respondent
25 detained for the period of time until the hearing is held, and
26 no longer except as provided in section 125.88, in accordance
27 with subsection 2, paragraph "a", if possible, and if not, then
28 in accordance with subsection 2, paragraph "b", or, only if
29 neither of these alternatives is available in accordance with
30 subsection 2, paragraph "c".

31 Sec. 117. Section 125.81, subsection 2, paragraph c, Code
32 2023, is amended to read as follows:

33 c. In the nearest facility which is licensed to care for
34 persons with mental illness or substance ~~abuse~~ use disorder,
35 provided that detention in a jail or other facility intended

1 for confinement of those accused or convicted of a crime shall
2 not be ordered.

3 Sec. 118. Section 125.82, subsections 3 and 4, Code 2023,
4 are amended to read as follows:

5 3. The person who filed the application and a licensed
6 physician and surgeon or osteopathic physician and surgeon,
7 mental health professional, or certified alcohol and drug
8 counselor certified by the nongovernmental Iowa board of
9 ~~substance abuse~~ certification who has examined the respondent
10 in connection with the commitment hearing shall be present
11 at the hearing, unless the court for good cause finds that
12 their presence or testimony is not necessary. The applicant,
13 respondent, and the respondent's attorney may waive the
14 presence or telephonic appearance of the licensed physician
15 and surgeon or osteopathic physician and surgeon, mental
16 health professional, or certified alcohol and drug counselor
17 who examined the respondent and agree to submit as evidence
18 the written report of the licensed physician and surgeon or
19 osteopathic physician and surgeon, mental health professional,
20 or certified alcohol and drug counselor. The respondent's
21 attorney shall inform the court if the respondent's attorney
22 reasonably believes that the respondent, due to diminished
23 capacity, cannot make an adequately considered waiver decision.
24 "*Good cause*" for finding that the testimony of the licensed
25 physician and surgeon or osteopathic physician and surgeon,
26 mental health professional, or certified alcohol and drug
27 counselor who examined the respondent is not necessary may
28 include, but is not limited to, such a waiver. If the court
29 determines that the testimony of the licensed physician and
30 surgeon or osteopathic physician and surgeon, mental health
31 professional, or certified alcohol and drug counselor is
32 necessary, the court may allow the licensed physician and
33 surgeon or osteopathic physician and surgeon, mental health
34 professional, or certified alcohol and drug counselor to
35 testify by telephone. The respondent shall be present at the

1 hearing unless prior to the hearing the respondent's attorney
2 stipulates in writing that the attorney has conversed with the
3 respondent, and that in the attorney's judgment the respondent
4 cannot make a meaningful contribution to the hearing, or that
5 the respondent has waived the right to be present, and the
6 basis for the attorney's conclusions. A stipulation to the
7 respondent's absence shall be reviewed by the court before the
8 hearing, and may be rejected if it appears that insufficient
9 grounds are stated or that the respondent's interests would not
10 be served by the respondent's absence.

11 4. The respondent's welfare is paramount, and the hearing
12 shall be tried as a civil matter and conducted in as informal a
13 manner as is consistent with orderly procedure. The hearing
14 may be held by video conference at the discretion of the
15 court. Discovery as permitted under the Iowa rules of civil
16 procedure is available to the respondent. The court shall
17 receive all relevant and material evidence, but the court is
18 not bound by the rules of evidence. A presumption in favor of
19 the respondent exists, and the burden of evidence and support
20 of the contentions made in the application shall be upon the
21 person who filed the application. If upon completion of the
22 hearing the court finds that the contention that the respondent
23 is a person with a ~~substance-related~~ substance use disorder has
24 not been sustained by clear and convincing evidence, the court
25 shall deny the application and terminate the proceeding.

26 Sec. 119. Section 125.83, Code 2023, is amended to read as
27 follows:

28 **125.83 Placement for evaluation.**

29 If upon completion of the commitment hearing, the court
30 finds that the contention that the respondent is a person with
31 a ~~substance-related~~ substance use disorder has been sustained
32 by clear and convincing evidence, the court shall order the
33 respondent placed at a facility or under the care of a suitable
34 facility on an outpatient basis as expeditiously as possible
35 for a complete evaluation and appropriate treatment. The

1 court shall furnish to the facility at the time of admission
2 or outpatient placement, a written statement of facts setting
3 forth the evidence on which the finding is based. The
4 administrator of the facility shall report to the court no
5 more than fifteen days after the individual is admitted to or
6 placed under the care of the facility, which shall include the
7 chief medical officer's recommendation concerning treatment
8 of a ~~substance-related~~ substance use disorder. An extension
9 of time may be granted for a period not to exceed seven days
10 upon a showing of good cause. A copy of the report shall be
11 sent to the respondent's attorney who may contest the need
12 for an extension of time if one is requested. If the request
13 is contested, the court shall make an inquiry as it deems
14 appropriate and may either order the respondent released
15 from the facility or grant an extension of time for further
16 evaluation. If the administrator fails to report to the court
17 within fifteen days after the individual is admitted to the
18 facility, and no extension of time has been requested, the
19 administrator is guilty of contempt and shall be punished
20 under chapter 665. The court shall order a rehearing on the
21 application to determine whether the respondent should continue
22 to be held at the facility.

23 Sec. 120. Section 125.83A, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. If upon completion of the commitment hearing, the court
26 finds that the contention that the respondent is a person with
27 a ~~substance-related~~ substance use disorder has been sustained
28 by clear and convincing evidence, and the court is furnished
29 evidence that the respondent is eligible for care and treatment
30 in a facility operated by the United States department of
31 veterans affairs or another agency of the United States
32 government and that the facility is willing to receive the
33 respondent, the court may so order. The respondent, when so
34 placed in a facility operated by the United States department
35 of veterans affairs or another agency of the United States

1 government within or outside of this state, shall be subject to
2 the rules of the United States department of veterans affairs
3 or other agency, but shall not lose any procedural rights
4 afforded the respondent by this chapter. The chief officer
5 of the facility shall have, with respect to the respondent
6 so placed, the same powers and duties as the chief medical
7 officer of a hospital in this state would have in regard to
8 submission of reports to the court, retention of custody,
9 transfer, convalescent leave, or discharge. Jurisdiction
10 is retained in the court to maintain surveillance of the
11 respondent's treatment and care, and at any time to inquire
12 into the respondent's condition and the need for continued care
13 and custody.

14 Sec. 121. Section 125.84, Code 2023, is amended to read as
15 follows:

16 **125.84 Evaluation report.**

17 The facility administrator's report to the court of the
18 chief medical officer's substance ~~abuse~~ use disorder evaluation
19 of the respondent shall be made no later than the expiration of
20 the time specified in section 125.83. At least two copies of
21 the report shall be filed with the clerk, who shall distribute
22 the copies in the manner described by section 125.80,
23 subsection 2. The report shall state one of the four following
24 alternative findings:

25 1. That the respondent does not, as of the date of the
26 report, require further treatment for substance ~~abuse~~ use
27 disorder. If the report so states, the court shall order the
28 respondent's immediate release from involuntary commitment and
29 terminate the proceedings.

30 2. That the respondent is a person with a ~~substance-related~~
31 substance use disorder who is in need of full-time custody,
32 care, and treatment in a facility, and is considered likely
33 to benefit from treatment. If the report so states, the
34 court shall enter an order which may require the respondent's
35 continued placement and commitment to a facility for

1 appropriate treatment.

2 3. That the respondent is a person with a ~~substance-related~~
3 substance use disorder who is in need of treatment, but does
4 not require full-time placement in a facility. If the report
5 so states, the report shall include the chief medical officer's
6 recommendation for treatment of the respondent on an outpatient
7 or other appropriate basis, and the court shall enter an order
8 which may direct the respondent to submit to the recommended
9 treatment. The order shall provide that if the respondent
10 fails or refuses to submit to treatment, as directed by the
11 court's order, the court may order that the respondent be
12 taken into immediate custody as provided by section 125.81
13 and, following notice and hearing held in accordance with
14 the procedures of sections 125.77 and 125.82, may order the
15 respondent treated as a patient requiring full-time custody,
16 care, and treatment as provided in subsection 2, and may order
17 the respondent involuntarily committed to a facility.

18 4. That the respondent is a person with a ~~substance-related~~
19 substance use disorder who is in need of treatment, but in
20 the opinion of the chief medical officer is not responding to
21 the treatment provided. If the report so states, the report
22 shall include the facility administrator's recommendation for
23 alternative placement, and the court shall enter an order
24 which may direct the respondent's transfer to the recommended
25 placement or to another placement after consultation with the
26 respondent's attorney and the facility administrator who made
27 the report under this subsection.

28 Sec. 122. Section 125.85, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. A respondent committed under section 125.84, subsection
31 2, shall remain in the custody of a facility for treatment
32 for a period of thirty days, unless sooner discharged. The
33 department is not required to pay the cost of any medication or
34 procedure provided to the respondent during that period which
35 is not necessary or appropriate to the specific objectives

1 of detoxification and treatment of substance ~~abuse~~ use
2 disorder. At the end of the thirty-day period, the respondent
3 shall be discharged automatically unless the administrator
4 of the facility, before expiration of the period, obtains a
5 court order for the respondent's recommitment pursuant to an
6 application under section 125.75, for a further period not to
7 exceed ninety days.

8 Sec. 123. Section 125.91, Code 2023, is amended to read as
9 follows:

10 **125.91 Emergency detention.**

11 1. The procedure prescribed by this section shall only
12 be used for a person with a ~~substance-related~~ substance
13 use disorder due to intoxication or substance-induced
14 incapacitation who has threatened, attempted, or inflicted
15 physical self-harm or harm on another, and is likely to inflict
16 physical self-harm or harm on another unless immediately
17 detained, or who is incapacitated by a substance, if an
18 application has not been filed naming the person as the
19 respondent pursuant to section 125.75 and the person cannot be
20 ordered into immediate custody and detained pursuant to section
21 125.81.

22 2. a. A peace officer who has reasonable grounds to believe
23 that the circumstances described in subsection 1 are applicable
24 may, without a warrant, take or cause that person to be taken
25 to the nearest available facility referred to in section
26 125.81, subsection 2, paragraph "b" or "c". Such a person with
27 a ~~substance-related~~ substance use disorder due to intoxication
28 or substance-induced incapacitation who also demonstrates
29 a significant degree of distress or dysfunction may also
30 be delivered to a facility by someone other than a peace
31 officer upon a showing of reasonable grounds. Upon delivery
32 of the person to a facility under this section, the attending
33 physician and surgeon or osteopathic physician and surgeon may
34 order treatment of the person, but only to the extent necessary
35 to preserve the person's life or to appropriately control

1 the person's behavior if the behavior is likely to result in
2 physical injury to the person or others if allowed to continue.
3 The peace officer or other person who delivered the person to
4 the facility shall describe the circumstances of the matter to
5 the attending physician and surgeon or osteopathic physician
6 and surgeon. If the person is a peace officer, the peace
7 officer may do so either in person or by written report.

8 *b.* If the attending physician and surgeon or osteopathic
9 physician and surgeon has reasonable grounds to believe that
10 the circumstances in subsection 1 are applicable, the facility
11 shall have the authority to detain the person for a period of
12 no longer than twelve hours. Within twelve hours of detaining
13 a person pursuant to this section, the attending physician
14 shall communicate with the nearest available magistrate.

15 *c.* Once contacted pursuant to paragraph "*b*", the magistrate
16 shall, based upon the circumstances described by the attending
17 physician and surgeon or osteopathic physician and surgeon,
18 give the attending physician and surgeon or osteopathic
19 physician and surgeon oral instructions either directing that
20 the person be released forthwith, or authorizing the person's
21 detention in an appropriate facility. The magistrate may also
22 give oral instructions and order that the detained person be
23 transported to an appropriate facility.

24 *d.* If the magistrate orders that the person be detained, the
25 magistrate shall, by the close of business on the next working
26 day, file a written order with the clerk in the county where it
27 is anticipated that an application may be filed under section
28 125.75. The order may be filed by facsimile if necessary. The
29 order shall state the circumstances under which the person was
30 taken into custody or otherwise brought to a facility and the
31 grounds supporting the finding of probable cause to believe
32 that the person is a person with a ~~substance-related~~ substance
33 use disorder likely to result in physical injury to the person
34 or others if not detained. The order shall confirm the oral
35 order authorizing the person's detention including any order

1 given to transport the person to an appropriate facility. The
2 clerk shall provide a copy of that order to the attending
3 physician and surgeon or osteopathic physician and surgeon at
4 the facility to which the person was originally taken, any
5 subsequent facility to which the person was transported, and
6 to any law enforcement department or ambulance service that
7 transported the person pursuant to the magistrate's order.

8 3. The attending physician and surgeon or osteopathic
9 physician and surgeon shall examine and may detain the person
10 pursuant to the magistrate's order for a period not to exceed
11 forty-eight hours from the time the order is dated, excluding
12 Saturdays, Sundays, and holidays, unless the order is dismissed
13 by a magistrate. The facility may provide treatment which is
14 necessary to preserve the person's life or to appropriately
15 control the person's behavior if the behavior is likely to
16 result in physical injury to the person or others if allowed
17 to continue or is otherwise deemed medically necessary by
18 the attending physician and surgeon or osteopathic physician
19 and surgeon or mental health professional, but shall not
20 otherwise provide treatment to the person without the person's
21 consent. The person shall be discharged from the facility and
22 released from detention no later than the expiration of the
23 forty-eight-hour period, unless an application for involuntary
24 commitment is filed with the clerk pursuant to section 125.75.
25 The detention of a person by the procedure in this section, and
26 not in excess of the period of time prescribed by this section,
27 shall not render the peace officer, attending physician and
28 surgeon or osteopathic physician and surgeon, or facility
29 detaining the person liable in a criminal or civil action
30 for false arrest or false imprisonment if the peace officer,
31 attending physician and surgeon or osteopathic physician
32 and surgeon, mental health professional, or facility had
33 reasonable grounds to believe that the circumstances described
34 in subsection 1 were applicable.

35 4. The cost of detention in a facility under the procedure

1 prescribed in this section shall be paid in the same way as if
2 the person had been committed to the facility pursuant to an
3 application filed under section 125.75.

4 Sec. 124. Section 125.93, Code 2023, is amended to read as
5 follows:

6 **125.93 Commitment records — confidentiality.**

7 Records of the identity, diagnosis, prognosis, or treatment
8 of a person which are maintained in connection with the
9 provision of substance ~~abuse~~ use disorder treatment services
10 are confidential, consistent with the requirements of section
11 125.37, and with the federal confidentiality regulations
12 authorized by the federal Drug Abuse Office and Treatment Act,
13 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse
14 and Alcoholism Prevention, Treatment and Rehabilitation Act, 42
15 U.S.C. §290dd-2. However, such records may be disclosed to an
16 employee of the department of corrections, if authorized by the
17 director of the department of corrections, or to an employee
18 of a judicial district department of correctional services, if
19 authorized by the director of the judicial district department
20 of correctional services.

21 Sec. 125. Section 135.1, Code 2023, is amended to read as
22 follows:

23 **135.1 Definitions.**

24 For the purposes of chapter 155 and Title IV, subtitle 2,
25 excluding chapter 146, unless otherwise defined:

26 1. "*Director*" ~~shall mean~~ means the director of ~~public~~ health
27 and human services.

28 2. "*Health officer*" means the physician, physician
29 assistant, advanced registered nurse practitioner, or advanced
30 practice registered nurse who is the health officer of the
31 local board of health.

32 3. "*Local board*" ~~shall mean~~ means the local board of health.

33 4. "*Physician*" means a person licensed to practice
34 medicine and surgery, osteopathic medicine and surgery,
35 chiropractic, podiatry, or optometry under the laws of this

1 state; but a person licensed as a physician and surgeon shall
 2 be designated as a "physician" or "surgeon", a person licensed
 3 as an osteopathic physician and surgeon shall be designated
 4 as an "osteopathic physician" or "osteopathic surgeon", a
 5 person licensed as a chiropractor shall be designated as a
 6 "chiropractor", a person licensed as a podiatrist shall be
 7 designated as a "podiatric physician", and a person licensed
 8 as an optometrist shall be designated as an "optometrist". A
 9 definition or designation contained in this subsection shall
 10 not be interpreted to expand the scope of practice of such
 11 licensees.

12 5. "*Rules*" ~~shall~~ include regulations and orders.

13 6. "*State department*" or "*department*" ~~shall mean~~ means the
 14 Iowa department of public health and human services.

15 Sec. 126. Section 135.11, Code 2023, is amended to read as
 16 follows:

17 **135.11 Duties Public health duties of department.**

18 ~~The director of public health shall be the head of the "Iowa~~
 19 ~~Department of Public Health", which department shall:~~

20 1. Exercise general supervision over the public health,
 21 promote public hygiene and sanitation, prevent substance abuse
 22 use disorder and unless otherwise provided, enforce the laws
 23 relating to the same.

24 2. Conduct campaigns for the education of the people in
 25 hygiene and sanitation.

26 3. Issue ~~monthly~~ health bulletins containing fundamental
 27 health principles and other health data deemed of public
 28 interest.

29 4. Make investigations and surveys in respect to the
 30 causes of disease and epidemics, and the effect of locality,
 31 employment, and living conditions upon the public health. For
 32 this purpose the department may use the services of the experts
 33 connected with the state hygienic laboratory ~~at the state~~
 34 ~~university of Iowa.~~

35 5. Establish stations throughout the state for the

1 distribution of antitoxins and vaccines to physicians,
 2 ~~druggists~~ pharmacists, and other persons, at cost. All
 3 antitoxin and vaccine thus distributed shall be labeled "Iowa
 4 Department of Public Health and Human Services".

5 6. Exercise general supervision over the administration and
 6 enforcement of the sexually transmitted diseases and infections
 7 law, chapter 139A, subchapter II.

8 7. Exercise sole jurisdiction over the disposal and
 9 transportation of the dead bodies of human beings and prescribe
 10 the methods to be used in preparing such bodies for disposal
 11 and transportation. However, the department may approve
 12 a request for an exception to the application of specific
 13 embalming and disposition rules adopted pursuant to this
 14 subsection if such rules would otherwise conflict with tenets
 15 and practices of a recognized religious denomination to which
 16 the deceased individual adhered or of which denomination the
 17 deceased individual was a member. The department shall inform
 18 the board of mortuary science of any such approved exception
 19 which may affect services provided by a funeral director
 20 licensed pursuant to chapter 156.

21 8. Establish, publish, and enforce rules which require
 22 companies, corporations, and other entities to obtain a permit
 23 from the department prior to scattering cremated human remains.

24 9. Exercise general supervision over the administration and
 25 enforcement of the vital statistics law, chapter 144.

26 ~~10. Enforce the law relative to chapter 146 and~~
 27 ~~"Health-related Professions", Title IV, subtitle 3, excluding~~
 28 ~~chapter 155.~~

29 ~~11. Establish and maintain divisions as are necessary~~
 30 ~~for the proper enforcement of the laws administered by the~~
 31 ~~department.~~

32 ~~12. Establish, publish, and enforce rules not inconsistent~~
 33 ~~with law for the enforcement of the provisions of chapter 125~~
 34 ~~and 155, and Title IV, subtitle 2, excluding chapter 146 and~~
 35 ~~for the enforcement of the various laws, the administration and~~

~~1 supervision of which are imposed upon the department.~~

2 ~~13.~~ 10. Administer healthy aging and essential public
3 health services by approving grants of state funds to the local
4 boards of health for the purposes of promoting healthy aging
5 throughout the lifespan and enhancing health promotion and
6 disease prevention services, and by providing guidelines for
7 the approval of the grants and allocation of the state funds.
8 Guidelines, evaluation requirements and formula allocation
9 procedures for the services shall be established by the
10 department by rule.

11 ~~14.~~ 11. Administer chapters 125, 136A, 136C, 139A, 142,
12 142A, 144, and 147A.

13 ~~15. Issue an annual report to the governor as provided in~~
14 ~~section 7E.3, subsection 4.~~

15 ~~16.~~ 12. Consult with the office of statewide clinical
16 education programs at the university of Iowa college of
17 medicine and annually submit a report to the general assembly
18 by January 15 verifying the number of physicians in active
19 practice in Iowa by county who are engaged in providing
20 obstetrical care. To the extent data are readily available,
21 the report shall include information concerning the number
22 of deliveries per year by specialty and county, the age of
23 physicians performing deliveries, and the number of current
24 year graduates of the university of Iowa college of medicine
25 and the Des Moines university — osteopathic medical center
26 entering into residency programs in obstetrics, gynecology,
27 and family practice. The report may include additional
28 data relating to access to obstetrical services that may be
29 available.

30 ~~17.~~ 13. Administer the statewide maternal and child health
31 program and the program for children with disabilities by
32 conducting mobile and regional child health specialty clinics
33 and conducting other activities to improve the health of
34 low-income women and children and to promote the welfare of
35 children with actual or potential conditions which may cause

1 disabilities and children with chronic illnesses in accordance
 2 with the requirements of Tit. V of the federal Social Security
 3 Act. The department shall provide technical assistance to
 4 encourage the coordination and collaboration of state agencies
 5 in developing outreach centers which provide publicly supported
 6 services for pregnant women, infants, and children. The
 7 department shall also, through cooperation and collaborative
 8 agreements with the ~~department of human services and the~~
 9 mobile and regional child health specialty clinics, establish
 10 common intake proceedings for maternal and child health
 11 services. The department shall work in cooperation with the
 12 legislative services agency in monitoring the effectiveness of
 13 the maternal and child health centers, including the provision
 14 of transportation for patient appointments and the keeping of
 15 scheduled appointments.

16 ~~18.~~ 14. Establish, publish, and enforce rules requiring
 17 prompt reporting of methemoglobinemia, pesticide poisoning, and
 18 the reportable poisonings and illnesses established pursuant
 19 to section 139A.21.

20 ~~19.~~ 15. Collect and maintain reports of pesticide
 21 poisonings and other poisonings, illnesses, or injuries
 22 caused by selected chemical or physical agents,
 23 including methemoglobinemia and pesticide and fertilizer
 24 hypersensitivity; and compile and publish, annually, a
 25 statewide and county-by-county profile based on the reports.

26 ~~20.~~ 16. Adopt rules which require personnel of a licensed
 27 hospice, of a homemaker-home health aide provider agency
 28 which receives state homemaker-home health aide funds, or of
 29 an agency which provides respite care services and receives
 30 funds to complete training concerning blood-borne pathogens,
 31 including human immunodeficiency virus and viral hepatitis,
 32 consistent with standards from the federal occupational safety
 33 and health administration.

34 ~~21.~~ 17. Adopt rules which require all emergency medical
 35 services personnel, fire fighters, and law enforcement

1 personnel to complete training concerning blood-borne
2 pathogens, including human immunodeficiency virus and
3 viral hepatitis, consistent with standards from the federal
4 occupational safety and health administration.

5 ~~22.~~ 18. Adopt rules which provide for the testing of a
6 convicted or alleged offender for the human immunodeficiency
7 virus pursuant to sections 915.40 through 915.43. The rules
8 shall provide for the provision of counseling, health care, and
9 support services to the victim.

10 ~~23.~~ 19. Establish ad hoc and advisory committees to the
11 director in areas where technical expertise is not otherwise
12 readily available. Members may be compensated for their actual
13 and necessary expenses incurred in the performance of their
14 duties. To encourage health consumer participation, public
15 members may also receive a per diem as specified in section
16 7E.6 if funds are available and the per diem is determined
17 to be appropriate by the director. Expense moneys paid to
18 the members shall be paid from funds appropriated to the
19 department. A majority of the members of such a committee
20 constitutes a quorum.

21 ~~24.~~ 20. Administer annual grants to county boards of health
22 for the purpose of conducting programs for the testing of
23 private water supply wells, the closing of abandoned private
24 water supply wells, and the renovation or rehabilitation of
25 private water supply wells. Grants shall be funded through
26 moneys transferred to the department from the agriculture
27 management account of the groundwater protection fund pursuant
28 to section 455E.11, subsection 2, paragraph "b", subparagraph
29 (2), subparagraph division (b). The department shall adopt
30 rules relating to the awarding of the grants.

31 ~~25.~~ 21. Establish and administer, if sufficient funds
32 are available to the department, a program to assess and
33 forecast health workforce supply and demand in the state for
34 the purpose of identifying current and projected workforce
35 needs. The program may collect, analyze, and report data that

1 furthers the purpose of the program. The program shall not
2 release information that permits identification of individual
3 respondents of program surveys.

4 ~~26.~~ 22. In consultation with the advisory committee for
5 perinatal guidelines, develop and maintain the statewide
6 perinatal program based on the recommendations of the American
7 academy of pediatrics and the American college of obstetricians
8 and gynecologists contained in the most recent edition of
9 the guidelines for perinatal care, and shall adopt rules in
10 accordance with chapter 17A to implement those recommendations.
11 Hospitals within the state shall determine whether to
12 participate in the statewide perinatal program, and select the
13 hospital's level of participation in the program. A hospital
14 having determined to participate in the program shall comply
15 with the guidelines appropriate to the level of participation
16 selected by the hospital. Perinatal program surveys and
17 reports are privileged and confidential and are not subject to
18 discovery, subpoena, or other means of legal compulsion for
19 their release to a person other than the affected hospital, and
20 are not admissible in evidence in a judicial or administrative
21 proceeding other than a proceeding involving verification of
22 the participating hospital under this subsection.

23 ~~27.~~ 23. In consultation with the department of corrections,
24 the antibiotic resistance task force, and the American
25 federation of state, county and municipal employees, develop
26 educational programs to increase awareness and utilization of
27 infection control practices in institutions listed in section
28 904.102.

29 ~~28.~~ 24. Administer the Iowa youth survey, in collaboration
30 with other state agencies, as appropriate, every two years to
31 students in grades six, eight, and eleven in Iowa's public
32 and nonpublic schools. Survey data shall be evaluated and
33 reported, with aggregate data available online at the Iowa
34 youth survey internet site.

35 Sec. 127. Section 135.14, Code 2023, is amended to read as

1 follows:

2 **135.14 State public health dental director — duties program.**

3 ~~1. The position of state public health dental director is~~
4 ~~established within the department.~~

5 ~~2. The dental director~~ department shall perform all of the
6 following duties:

7 ~~a.~~ 1. Plan and direct all work activities of the statewide
8 public health dental program.

9 ~~b.~~ 2. Develop comprehensive dental initiatives for
10 prevention activities.

11 ~~c.~~ 3. Evaluate the effectiveness of the statewide public
12 health dental program and of program personnel.

13 ~~d. Manage the oral and health delivery systems bureau~~
14 ~~including direction, supervision, and fiscal management of~~
15 ~~bureau staff.~~

16 ~~e.~~ 4. Other related work as required.

17 Sec. 128. Section 135.15, Code 2023, is amended to read as
18 follows:

19 **135.15 Oral and health delivery systems bureau established —**
20 **responsibilities.**

21 ~~An oral and health delivery systems bureau is established~~
22 ~~within the division of health promotion and chronic disease~~
23 ~~prevention of the department. The bureau~~ department shall be
24 responsible for all of the following:

25 1. Providing population-based oral health services,
26 including public health training, improvement of dental support
27 systems for families, technical assistance, awareness-building
28 activities, and educational services, at the state and local
29 level to assist Iowans in maintaining optimal oral health
30 throughout all stages of life.

31 2. Performing infrastructure building and enabling services
32 through the administration of state and federal grant programs
33 targeting access improvement, prevention, and local oral
34 health programs utilizing maternal and child health programs,
35 Medicaid, and other new or existing programs.

1 3. Leveraging federal, state, and local resources for
2 programs under the purview of the ~~bureau~~ department.

3 4. Facilitating ongoing strategic planning and application
4 of evidence-based research in oral health care policy
5 development that improves oral health care access and the
6 overall oral health of all Iowans.

7 5. Developing and implementing an ongoing oral health
8 surveillance system for the evaluation and monitoring of
9 the oral health status of children and other underserved
10 populations.

11 6. Facilitating the provision of oral health services
12 through dental homes. For the purposes of this section,
13 "*dental home*" means a network of individualized care based on
14 risk assessment, which includes oral health education, dental
15 screenings, preventive services, diagnostic services, treatment
16 services, and emergency services.

17 Sec. 129. Section 135.16A, subsection 2, Code 2023, is
18 amended to read as follows:

19 2. *a.* The department of inspections and appeals shall
20 assist the ~~Iowa department of public health~~ in adopting rules
21 necessary to implement and administer this section.

22 *b.* If necessary to implement, administer, and enforce this
23 section, the ~~Iowa department of public health~~, in cooperation
24 with the department of agriculture and land stewardship, shall
25 submit a request to the United States department of agriculture
26 for a waiver or other exception from regulations as deemed
27 feasible by the ~~Iowa department of public health~~. The ~~Iowa~~
28 ~~department of public health~~ shall regularly report the status
29 of such request to the legislative services agency.

30 Sec. 130. Section 135.22A, subsection 2, Code 2023, is
31 amended to read as follows:

32 2. The advisory council on brain injuries is established.
33 The following persons or their designees shall serve as ex
34 officio, nonvoting members of the council:

35 *a.* The director of ~~public health~~ and human services or the

1 director's designee.

2 ~~b. The director of human services and any division~~
3 ~~administrators of the department of human services so assigned~~
4 ~~by the director.~~

5 ~~c.~~ b. The director of the department of education.

6 ~~d.~~ c. The chief of the special education bureau of the
7 department of education.

8 ~~e.~~ d. The administrator of the division of vocational
9 rehabilitation services of the department of education
10 workforce development.

11 ~~f.~~ e. The director of the department for the blind.

12 Sec. 131. Section 135.22B, subsections 1, 2, 6, and 7, Code
13 2023, are amended to read as follows:

14 1. *Definitions.* For the purposes of this section~~+~~,

15 ~~a. "Brain injury services waiver"~~ "brain injury services
16 waiver" means the state's medical assistance home and
17 community-based services waiver for persons with brain injury
18 implemented under chapter 249A.

19 ~~b. "Program administrator" means the division of the~~
20 ~~department designated to administer the brain injury services~~
21 ~~program in accordance with subsection 2.~~

22 2. *Program created.*

23 a. A brain injury services program is created and shall be
24 administered by ~~a division of the Iowa department of public~~
25 ~~health in cooperation with counties and the department of human~~
26 ~~services.~~

27 b. ~~The division of the department assigned to administer the~~
28 ~~advisory council on brain injuries under section 135.22A shall~~
29 ~~be the program administrator. The division~~ department's duties
30 shall include but are not limited to serving as the fiscal
31 agent and contract administrator for the program and providing
32 program oversight.

33 c. ~~The division~~ department shall consult with the advisory
34 council on brain injuries, established pursuant to section
35 135.22A, regarding the program and shall report to the council

1 concerning the program at least quarterly. The council shall
2 make recommendations to the department concerning the program's
3 operation.

4 6. *Cost-share requirements.*

5 a. The cost-share component's financial eligibility
6 requirements shall be established in administrative rule. In
7 establishing the requirements, the department shall consider
8 the eligibility and cost-share requirements used for the ~~hawk-i~~
9 Hawki program under chapter 514I.

10 b. An individual's cost-share responsibility for services
11 under the cost-share component shall be determined on a
12 sliding scale based upon the individual's family income. An
13 individual's cost-share shall be assessed as a copayment, which
14 shall not exceed thirty percent of the cost payable for the
15 service.

16 c. The service provider shall bill the department for the
17 portion of the cost payable for the service that is not covered
18 by the individual's copayment responsibility.

19 7. *Application process.*

20 a. The application materials for services under the
21 cost-share component of the brain injury services program
22 shall use the application form and other materials of the
23 brain injury services waiver. In order to apply for the brain
24 injury services program, the applicant must authorize the
25 department of ~~human services~~ to provide the applicant's waiver
26 application materials to the brain injury services program.
27 The application materials provided shall include but are not
28 limited to the waiver application and any denial letter,
29 financial assessment, and functional assessment regarding the
30 person.

31 b. If a functional assessment for the waiver has not
32 been completed due to a person's financial ineligibility for
33 the waiver, the brain injury services program may provide
34 for a functional assessment to determine the person's needs
35 by reimbursing the department of ~~human services~~ for the

1 assessment.

2 *c.* The ~~program administrator~~ department shall file copies
3 of the individual's application and needs assessment with the
4 program resource facilitator assigned to the individual's
5 geographic area.

6 *d.* The ~~department's program administrator~~ department shall
7 make a final determination as to whether program funding will
8 be authorized under the cost-share component.

9 Sec. 132. Section 135.24, subsection 2, unnumbered
10 paragraph 1, Code 2023, is amended to read as follows:

11 The department, ~~in consultation with the department of human~~
12 ~~services~~, shall adopt rules to implement the volunteer health
13 care provider program which shall include the following:

14 Sec. 133. Section 135.24A, Code 2023, is amended to read as
15 follows:

16 **135.24A Free clinics — volunteer record check.**

17 1. For purposes of this section, "*free clinic*" means a free
18 clinic as defined in section 135.24 that is also a network
19 of free clinics in this state that offers operational and
20 collaborative opportunities to free clinics.

21 2. Persons who are potential volunteers or volunteers in
22 a free clinic in a position having direct individual contact
23 with patients of the free clinic shall be subject to criminal
24 history and child and dependent adult abuse record checks in
25 accordance with this section. The free clinic shall request
26 that the department of public safety perform the criminal
27 history check and the record check evaluation system of the
28 department of health and human services perform child and
29 dependent adult abuse record checks of the person in this state
30 and may request these checks in other states.

31 3. A free clinic subject to this section shall establish
32 an evaluation process to determine whether a crime of founded
33 child or dependent adult abuse warrants prohibition of the
34 person's participation as a volunteer in the free clinic.
35 The evaluation process shall not be less stringent than

1 the evaluation process performed by the ~~department of human~~
2 ~~services~~ record check evaluation system and shall be approved
3 by the department ~~of human services~~.

4 Sec. 134. Section 135.25, Code 2023, is amended to read as
5 follows:

6 **135.25 Emergency medical services fund.**

7 An emergency medical services fund is created in the state
8 treasury under the control of the department. The fund
9 includes, but is not limited to, amounts appropriated by the
10 general assembly, amounts transferred pursuant to section
11 602.8108, subsection 4, and other moneys available from
12 federal or private sources which are to be used for purposes
13 of this section. Funds remaining in the fund at the end of
14 each fiscal year shall not revert to the general fund of the
15 state but shall remain in the emergency medical services fund,
16 notwithstanding section 8.33. The fund is established to
17 assist counties by matching, on a dollar-for-dollar basis,
18 moneys spent by a county for the acquisition of equipment for
19 the provision of emergency medical services and by providing
20 grants to counties for education and training in the delivery
21 of emergency medical services, as provided in this section and
22 section 422D.6. A county seeking matching funds under this
23 section shall apply to the ~~emergency medical services division~~
24 ~~of the department~~. The department shall adopt rules concerning
25 the application and awarding process for the matching funds and
26 the criteria for the allocation of moneys in the fund if the
27 moneys are insufficient to meet the emergency medical services
28 needs of the counties. Moneys allocated by the department to a
29 county for emergency medical services purposes may be used for
30 equipment or training and education as determined by the board
31 of supervisors pursuant to section 422D.6.

32 Sec. 135. Section 135.36, Code 2023, is amended to read as
33 follows:

34 **135.36 Interference with health department officer —**
35 **penalties.**

1 Any person resisting or interfering with the department, its
2 employees, or authorized agents, in the discharge of any duty
3 imposed by law shall be guilty of a simple misdemeanor.

4 Sec. 136. Section 135.39, Code 2023, is amended to read as
5 follows:

6 **135.39 Federal aid.**

7 The ~~state department of public health is hereby authorized~~
8 ~~to~~ may accept financial aid from the government of the United
9 States for the purpose of assisting in carrying on public
10 health or substance ~~abuse~~ use disorder responsibility in the
11 state of Iowa.

12 Sec. 137. Section 135.39B, subsection 3, Code 2023, is
13 amended to read as follows:

14 3. The prohibition under this section shall not apply to
15 early childhood immunizations for influenza or in times of
16 emergency or epidemic as determined by the director ~~of public~~
17 ~~health~~. If an emergency or epidemic is determined to exist
18 by the director ~~of public health~~ under this subsection, the
19 director ~~of public health~~ shall notify the ~~state board of~~
20 council on health and human services, the governor, and the
21 legislative council, and shall notify the public upon request.

22 Sec. 138. Section 135.39E, Code 2023, is amended to read as
23 follows:

24 **135.39E Fluoridation in public water supply — notice of**
25 **discontinuance.**

26 1. At least ninety days prior to taking any action to
27 permanently discontinue fluoridation in its water supply, an
28 owner or operator of a public water supply system, as defined
29 in section 455B.171, shall provide notice to the ~~oral and~~
30 ~~health delivery systems bureau established in section 135.15~~
31 department and the public water supply system's customers.

32 2. In order to provide notice to its customers, the owner or
33 operator of the public water supply system shall place a notice
34 on each customer's water bill or provide notice in a way that
35 is reasonably calculated so that all customers will receive the

1 notice.

2 3. Section 135.38 does not apply to violations of this
3 section.

4 Sec. 139. Section 135.43, Code 2023, is amended to read as
5 follows:

6 **135.43 Iowa child death review team established — duties.**

7 1. An Iowa child death review team is established ~~as part~~
8 ~~of the office of the state medical examiner~~ in the department.
9 ~~The office of the state medical examiner~~ department shall
10 provide staffing and administrative support to the team.

11 2. The membership of the review team is subject to the
12 provisions of sections 69.16 and 69.16A, relating to political
13 affiliation and gender balance. Review team members who
14 are not designated by another appointing authority shall be
15 appointed by the ~~state medical examiner~~ director. Membership
16 terms shall be for three years. A membership vacancy shall be
17 filled in the same manner as the original appointment. The
18 review team shall elect a chairperson and other officers as
19 deemed necessary by the review team. The review team shall
20 meet upon the call of the ~~state medical examiner~~ director or as
21 determined by the review team. The review team shall include
22 the following:

23 a. The state medical examiner or the state medical
24 examiner's designee.

25 b. A certified or licensed professional who is knowledgeable
26 concerning sudden infant death syndrome.

27 c. A pediatrician who is knowledgeable concerning deaths of
28 children.

29 d. A family practice physician who is knowledgeable
30 concerning deaths of children.

31 e. One mental health professional who is knowledgeable
32 concerning deaths of children.

33 f. One social worker who is knowledgeable concerning deaths
34 of children.

35 g. A certified or licensed professional who is knowledgeable

1 concerning domestic violence.

2 *h.* A professional who is knowledgeable concerning substance
3 ~~abuse~~ use disorder.

4 *i.* A local law enforcement official.

5 *j.* A county attorney.

6 *k.* An emergency room nurse who is knowledgeable concerning
7 the deaths of children.

8 *l.* A perinatal expert.

9 *m.* A representative of the health insurance industry.

10 *n.* One other member who is appointed at large.

11 3. The review team shall perform the following duties:

12 *a.* Collect, review, and analyze child death certificates and
13 child death data, including patient records or other pertinent
14 confidential information concerning the deaths of children
15 under age eighteen, and other information as the review team
16 deems appropriate for use in preparing an annual report to the
17 governor and the general assembly concerning the causes and
18 manner of child deaths. The report shall include analysis of
19 factual information obtained through review and recommendations
20 regarding prevention of child deaths.

21 *b.* Recommend to the governor and the general assembly
22 interventions to prevent deaths of children based on an
23 analysis of the cause and manner of such deaths.

24 *c.* Recommend to the agencies represented on the review team
25 changes which may prevent child deaths.

26 *d.* Except as authorized by this section, maintain the
27 confidentiality of any patient records or other confidential
28 information reviewed.

29 *e.* Recommend to the department ~~of human services~~,
30 appropriate law enforcement agencies, and any other person
31 involved with child protection, interventions that may prevent
32 harm to a child who is related to or is living in the same home
33 as a child whose case is reviewed by the team.

34 *f.* If the sharing of information is necessary to assist in
35 or initiate a child death investigation or criminal prosecution

1 and the office or agency receiving the information does not
2 otherwise have access to the information, share information
3 possessed by the review team with the office of the attorney
4 general, a county attorney's office, or an appropriate
5 law enforcement agency. The office or agency receiving
6 the information shall maintain the confidentiality of the
7 information in accordance with this section. Unauthorized
8 release or disclosure of the information received is subject to
9 penalty as provided in this section.

10 *g.* In order to assist ~~a division~~ of the department in
11 performing the ~~division's~~ department's duties, if the ~~division~~
12 department does not otherwise have access to the information,
13 share information possessed by the review team. The ~~division~~
14 ~~receiving~~ recipient of the information shall maintain the
15 confidentiality of the information in accordance with this
16 section. Unauthorized release or disclosure of the information
17 received is subject to penalty as provided in this section.

18 4. The ~~review team~~ department shall develop protocols for a
19 child fatality review committee, to be appointed by the ~~state~~
20 ~~medical examiner~~ director on an ad hoc basis, to immediately
21 review the child abuse assessments which involve the fatality
22 of a child under age eighteen. The ~~state medical examiner~~
23 director shall appoint a medical examiner, a pediatrician, and
24 a person involved with law enforcement to the committee.

25 *a.* The purpose of the review shall be to determine
26 whether the department ~~of human services~~ and others involved
27 with the case of child abuse responded appropriately. The
28 protocols shall provide for the committee to consult with any
29 multidisciplinary team, as defined in section 235A.13, that
30 is operating in the area in which the fatality occurred. The
31 protocols shall also ensure that a member of the child fatality
32 review committee does not have a conflict of interest regarding
33 the child fatality under review.

34 *b.* The committee shall have access to patient records
35 and other pertinent confidential information and, subject to

1 the restrictions in this subsection, may redisseminate the
2 confidential information in the committee's report.

3 *c.* Upon completion of the review, the committee shall issue
4 a report which shall include findings concerning the case and
5 recommendations for changes to prevent child fatalities when
6 similar circumstances exist. The report shall include but
7 is not limited to the following information, subject to the
8 restrictions listed in paragraph "*d*":

9 (1) The dates, outcomes, and results of any actions taken by
10 the department ~~of human services~~ and others in regard to each
11 report and allegation of child abuse involving the child who
12 died.

13 (2) The results of any review of the case performed by a
14 multidisciplinary team, or by any other public entity that
15 reviewed the case.

16 (3) Confirmation of receipt by the department ~~of human~~
17 ~~services~~ of any report of child abuse involving the child,
18 including confirmation as to whether or not any assessment
19 involving the child was performed in accordance with section
20 232.71B, the results of any assessment, a description of the
21 most recent assessment and the services offered to the family,
22 the services rendered to the family, and the basis for the
23 department's decisions concerning the case.

24 *d.* Prior to issuing the report, the committee shall consult
25 with the county attorney responsible for prosecution of the
26 alleged perpetrator of the child fatality. The committee's
27 report shall include child abuse information associated with
28 the case and the child, but is subject to the restrictions
29 applicable to the department ~~of human services~~ for release of
30 information concerning a child fatality or near fatality in
31 accordance with section 235A.15, subsection 9.

32 *e.* Following the completion of the trial of any alleged
33 perpetrator of the child fatality and the appeal period
34 for the granting of a new trial, the committee shall issue
35 a supplemental report containing the information that was

1 withheld, in accordance with paragraph "d", so as not to
2 jeopardize the prosecution or the rights of the alleged
3 perpetrator to a fair trial as described in section 235A.15,
4 subsection 9, paragraphs "e" and "f".

5 f. The report and any supplemental report shall be submitted
6 to the governor and general assembly.

7 g. If deemed appropriate by the committee, at any point
8 in the review the committee may recommend to the department
9 ~~of human services~~, appropriate law enforcement agencies, and
10 any other person involved with child protection, interventions
11 that may prevent harm to a child who is related to or is living
12 in the same home as a child whose case is reviewed by the
13 committee.

14 5. a. The following individuals shall designate a liaison
15 to assist the review team in fulfilling its responsibilities:

16 (1) The director of ~~public health and human services~~.

17 ~~(2) The director of human services.~~

18 ~~(3)~~ (2) The commissioner of public safety.

19 ~~(4)~~ (3) The attorney general.

20 ~~(5)~~ (4) The director of transportation.

21 ~~(6)~~ (5) The director of the department of education.

22 b. In addition, the ~~chairperson of the review team~~
23 department shall designate a liaison from the public at large
24 to assist the review team in fulfilling its responsibilities.

25 6. The review team may establish subcommittees to which the
26 team may delegate some or all of the team's responsibilities
27 under subsection 3.

28 7. a. ~~The state medical examiner, the Iowa department~~
29 ~~of public health, and the department of human services~~ shall
30 adopt rules providing for disclosure of information which is
31 confidential under chapter 22 or any other provision of state
32 law, to the review team for purposes of performing its child
33 death and child abuse review responsibilities.

34 b. A person in possession or control of medical,
35 investigative, assessment, or other information pertaining to a

1 child death and child abuse review shall allow the inspection
 2 and reproduction of the information by the ~~office of the state~~
 3 ~~medical examiner department~~ upon the request of the ~~office~~
 4 ~~department~~, to be used only in the administration and for
 5 the duties of the Iowa child death review team. Except as
 6 provided for a report on a child fatality by an ad hoc child
 7 fatality review committee under subsection 4, information and
 8 records produced under this section which are confidential
 9 under section 22.7 and chapter 235A, and information or records
 10 received from the confidential records, remain confidential
 11 under this section. A person does not incur legal liability
 12 by reason of releasing information to the department ~~or the~~
 13 ~~office of the state medical examiner~~ as required under and in
 14 compliance with this section.

15 8. Review team members and their agents are immune from any
 16 liability, civil or criminal, which might otherwise be incurred
 17 or imposed as a result of any act, omission, proceeding,
 18 decision, or determination undertaken or performed, or
 19 recommendation made as a review team member or agent provided
 20 that the review team members or agents acted in good faith
 21 and without malice in carrying out their official duties in
 22 their official capacity. The ~~state medical examiner department~~
 23 shall adopt rules pursuant to chapter 17A to administer
 24 this subsection. A complainant bears the burden of proof in
 25 establishing malice or lack of good faith in an action brought
 26 against review team members involving the performance of their
 27 duties and powers under this section.

28 9. A person who releases or discloses confidential data,
 29 records, or any other type of information in violation of this
 30 section is guilty of a serious misdemeanor.

31 Sec. 140. Section 135.61, subsection 12, Code 2023, is
 32 amended to read as follows:

33 12. "*Health services*" means clinically related diagnostic,
 34 curative, or rehabilitative services, and includes ~~alcoholism,~~
 35 ~~drug abuse,~~ substance use disorder and mental health services.

1 Sec. 141. Section 135.100, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
4 and human services.

5 Sec. 142. Section 135.101, Code 2023, is amended to read as
6 follows:

7 **135.101 Childhood lead poisoning prevention program.**

8 There is established a childhood lead poisoning prevention
9 program within the ~~Iowa department of public health~~. The
10 department shall implement and review programs necessary to
11 eliminate potentially dangerous toxic lead levels in children
12 in Iowa in a year for which funds are appropriated to the
13 department for this purpose.

14 Sec. 143. Section 135.106, subsection 1, unnumbered
15 paragraph 1, Code 2023, is amended to read as follows:

16 The ~~Iowa department of public health~~ shall establish a
17 healthy opportunities for parents to experience success (HOPES)
18 – healthy families Iowa (HFI) program to provide services to
19 families and children during the prenatal through preschool
20 years. The program shall be designed to do all of the
21 following:

22 Sec. 144. Section 135.106, subsection 2, unnumbered
23 paragraph 1, Code 2023, is amended to read as follows:

24 The HOPES-HFI program shall be developed by the ~~Iowa~~
25 ~~department of public health~~, and may be implemented, in
26 whole or in part, by contracting with a nonprofit child
27 abuse prevention organization, local nonprofit certified home
28 health program or other local nonprofit organizations, and
29 shall include, but is not limited to, all of the following
30 components:

31 Sec. 145. Section 135.106, subsection 3, Code 2023, is
32 amended to read as follows:

33 3. It is the intent of the general assembly to provide
34 communities with the discretion and authority to redesign
35 existing local programs and services targeted at and assisting

1 families expecting babies and families with children who
 2 are newborn through five years of age. The ~~Iowa~~ department
 3 ~~of public health, department of human services,~~ department
 4 of education, and other state agencies and programs, as
 5 appropriate, shall provide technical assistance and support
 6 to communities desiring to redesign their local programs and
 7 shall facilitate the consolidation of existing state funding
 8 appropriated and made available to the community for family
 9 support services. Funds which are consolidated in accordance
 10 with this subsection shall be used to support the redesigned
 11 service delivery system. In redesigning services, communities
 12 are encouraged to implement a single uniform family risk
 13 assessment mechanism and shall demonstrate the potential for
 14 improved outcomes for children and families. Requests by
 15 local communities for the redesigning of services shall be
 16 submitted to the ~~Iowa department of public health, department~~
 17 ~~of human services,~~ and the department of education, and are
 18 subject to the approval of the early childhood Iowa state board
 19 in consultation with the departments, based on the practices
 20 utilized with early childhood Iowa areas under chapter 256I.

21 Sec. 146. Section 135.107, Code 2023, is amended to read as
 22 follows:

23 **135.107 ~~Center for rural~~ Rural health and primary care**
 24 **~~established~~ — duties.**

25 ~~1. The center for rural health and primary care is~~
 26 ~~established within the department.~~

27 ~~2. 1. The center for rural health and primary care~~
 28 ~~department~~ shall do all of the following:

29 ~~a.~~ Provide technical planning assistance to rural
 30 communities and counties exploring innovative means of
 31 delivering rural health services through community health
 32 services assessment, planning, and implementation, including
 33 but not limited to hospital conversions, cooperative agreements
 34 among hospitals, physician and health practitioner support,
 35 recruitment and retention of primary health care providers,

1 public health services, emergency medical services, medical
2 assistance facilities, rural health care clinics, and
3 alternative means which may be included in the long-term
4 community health services assessment and developmental plan.
5 ~~The center for rural health and primary care department~~
6 shall encourage collaborative efforts of the local boards of
7 health, hospital governing boards, and other public and private
8 entities located in rural communities to adopt a long-term
9 community health services assessment and developmental plan
10 pursuant to rules adopted by the department and perform the
11 duties required of the ~~Iowa department of public health~~ in
12 section 135B.33.

13 **b.** Provide technical assistance to assist rural communities
14 in improving Medicare reimbursements through the establishment
15 of rural health clinics, defined pursuant to 42 U.S.C. §1395x,
16 and distinct part skilled nursing facility beds.

17 **c.** Coordinate services to provide research for the following
18 items:

19 (1) Examination of the prevalence of rural occupational
20 health injuries in the state.

21 (2) Assessment of training and continuing education
22 available through local hospitals and others relating to
23 diagnosis and treatment of diseases associated with rural
24 occupational health hazards.

25 (3) Determination of continuing education support necessary
26 for rural health practitioners to diagnose and treat illnesses
27 caused by exposure to rural occupational health hazards.

28 (4) Determination of the types of actions that can help
29 prevent agricultural accidents.

30 (5) Surveillance and reporting of disabilities suffered
31 by persons engaged in agriculture resulting from diseases
32 or injuries, including identifying the amount and severity
33 of agricultural-related injuries and diseases in the state,
34 identifying causal factors associated with agricultural-related
35 injuries and diseases, and indicating the effectiveness of

1 intervention programs designed to reduce injuries and diseases.

2 *d.* Cooperate with the center for agricultural safety and
3 health established under section 262.78, the center for health
4 effects of environmental contamination established under
5 section 263.17, and the department of agriculture and land
6 stewardship. The agencies shall coordinate programs to the
7 extent practicable.

8 *e.* Administer grants for farm safety education efforts
9 directed to rural families for the purpose of preventing
10 farm-related injuries to children.

11 ~~3.~~ 2. ~~The center for rural health and primary care~~
12 ~~department~~ shall establish a primary care provider recruitment
13 and retention endeavor, to be known as PRIMECARRE. The
14 endeavor shall include a health care workforce and community
15 support grant program and a primary care provider loan
16 repayment program. The endeavor shall be developed and
17 implemented in a manner to promote and accommodate local
18 creativity in efforts to recruit and retain health care
19 professionals to provide services in the locality. The
20 focus of the endeavor shall be to promote and assist local
21 efforts in developing health care provider recruitment and
22 retention programs. ~~The center for rural health and primary~~
23 ~~care~~ department may enter into an agreement with the college
24 student aid commission for the administration of the ~~center's~~
25 department's grant and loan repayment programs.

26 *a. Health care workforce and community support grant program.*

27 (1) ~~The center for rural health and primary care~~ department
28 shall adopt rules establishing flexible application processes
29 based upon the department's strategic plan to be used by the
30 ~~center~~ department to establish a grant assistance program as
31 provided in this paragraph "a", and establishing the criteria
32 to be used in evaluating the applications. Selection criteria
33 shall include a method for prioritizing grant applications
34 based on illustrated efforts to meet the health care provider
35 needs of the locality and surrounding area. Such assistance

1 may be in the form of a forgivable loan, grant, or other
2 nonfinancial assistance as deemed appropriate by the ~~center~~
3 department. An application submitted may contain a commitment
4 of matching funds for the grant assistance. Application may
5 be made for assistance by a single community or group of
6 communities or in response to programs recommended in the
7 strategic plan to address health workforce shortages.

8 (2) Grants awarded under the program shall be awarded
9 to rural, underserved areas or special populations as
10 identified by the department's strategic plan or evidence-based
11 documentation.

12 *b. Primary care provider loan repayment program.*

13 (1) A primary care provider loan repayment program is
14 established to increase the number of health professionals
15 practicing primary care in federally designated health
16 professional shortage areas of the state. Under the program,
17 loan repayment may be made to a recipient for educational
18 expenses incurred while completing an accredited health
19 education program directly related to obtaining credentials
20 necessary to practice the recipient's health profession.

21 (2) ~~The center for rural health and primary care~~
22 department shall adopt rules relating to the establishment and
23 administration of the primary care provider loan repayment
24 program. Rules adopted pursuant to this paragraph shall
25 provide, at a minimum, for all of the following:

26 (a) Determination of eligibility requirements and
27 qualifications of an applicant to receive loan repayment under
28 the program, including but not limited to years of obligated
29 service, clinical practice requirements, and residency
30 requirements. One year of obligated service shall be provided
31 by the applicant in exchange for each year of loan repayment,
32 unless federal requirements otherwise require. Loan repayment
33 under the program shall not be approved for a health provider
34 whose license or certification is restricted by a medical
35 regulatory authority of any jurisdiction of the United States,

1 other nations, or territories.

2 (b) Identification of federally designated health
3 professional shortage areas of the state and prioritization of
4 such areas according to need.

5 (c) Determination of the amount and duration of the loan
6 repayment an applicant may receive, giving consideration to the
7 availability of funds under the program, and the applicant's
8 outstanding educational loans and professional credentials.

9 (d) Determination of the conditions of loan repayment
10 applicable to an applicant.

11 (e) Enforcement of the state's rights under a loan repayment
12 program contract, including the commencement of any court
13 action.

14 (f) Cancellation of a loan repayment program contract for
15 reasonable cause unless federal requirements otherwise require.

16 (g) Participation in federal programs supporting repayment
17 of loans of health care providers and acceptance of gifts,
18 grants, and other aid or amounts from any person, association,
19 foundation, trust, corporation, governmental agency, or other
20 entity for the purposes of the program.

21 (h) Upon availability of state funds, determination of
22 eligibility criteria and qualifications for participating
23 communities and applicants not located in federally designated
24 shortage areas.

25 (i) Other rules as necessary.

26 ~~4.~~ 3. a. Eligibility under any of the programs established
27 under the primary care provider recruitment and retention
28 endeavor shall be based upon a community health services
29 assessment completed under subsection 2, paragraph "a".
30 Participation in a community health services assessment process
31 shall be documented by the community or region.

32 b. Assistance under this subsection shall not be granted
33 until such time as the community or region making application
34 has completed a community health services assessment and
35 adopted a long-term community health services assessment and

1 developmental plan. In addition to any other requirements, an
 2 applicant's plan shall include, to the extent possible, a clear
 3 commitment to informing high school students of the health care
 4 opportunities which may be available to such students.

5 ~~c. The center for rural health and primary care~~ department
 6 shall seek additional assistance and resources from other state
 7 departments and agencies, federal agencies and grant programs,
 8 private organizations, and any other person, as appropriate.
 9 The center department is authorized and directed to accept
 10 on behalf of the state any grant or contribution, federal or
 11 otherwise, made to assist in meeting the cost of carrying out
 12 the purpose of this subsection. All federal grants to and the
 13 federal receipts of the center department are appropriated
 14 for the purpose set forth in such federal grants or receipts.
 15 Funds appropriated by the general assembly to the ~~center~~
 16 department for implementation of this subsection shall first
 17 be used for securing any available federal funds requiring a
 18 state match, with remaining funds being used for the health
 19 care workforce and community support grant program.

20 ~~d. The center for rural health and primary care~~ department
 21 may, to further the purposes of this subsection, provide
 22 financial assistance in the form of grants to support
 23 the effort of a community which is clearly part of the
 24 community's long-term community health services assessment
 25 and developmental plan. Efforts for which such grants may
 26 be awarded include but are not limited to the procurement of
 27 clinical equipment, clinical facilities, and telecommunications
 28 facilities, and the support of locum tenens arrangements and
 29 primary care provider mentor programs.

30 Sec. 147. Section 135.108, subsections 1 and 2, Code 2023,
 31 are amended to read as follows:

32 1. "Department" means the ~~Iowa~~ department of ~~public~~ health
 33 and human services.

34 2. "Director" means the director of ~~public~~ health and human
 35 services.

1 Sec. 148. Section 135.109, Code 2023, is amended to read as
2 follows:

3 **135.109 Iowa domestic abuse death review team membership.**

4 1. An Iowa domestic abuse death review team is established
5 ~~as an independent agency of state government~~ in the department.

6 2. The department shall provide staffing and administrative
7 support to the team.

8 3. The team shall include the following members:

9 a. The state medical examiner or the state medical
10 examiner's designee.

11 b. A licensed physician, physician assistant, or nurse who
12 is knowledgeable concerning domestic abuse injuries and deaths,
13 including suicides.

14 c. A licensed mental health professional who is
15 knowledgeable concerning domestic abuse.

16 d. A representative or designee of the Iowa coalition
17 against domestic violence.

18 e. A certified or licensed professional who is knowledgeable
19 concerning substance ~~abuse~~ use disorder.

20 f. A law enforcement official who is knowledgeable
21 concerning domestic abuse.

22 g. A law enforcement investigator experienced in domestic
23 abuse investigation.

24 h. An attorney experienced in prosecuting domestic abuse
25 cases.

26 i. A judicial officer appointed by the chief justice of the
27 supreme court.

28 j. A clerk of the district court appointed by the chief
29 justice of the supreme court.

30 k. An employee or subcontractor of the department of
31 corrections who is a trained batterers' education program
32 facilitator.

33 l. An attorney licensed in this state who provides criminal
34 defense assistance or child custody representation, and who has
35 experience in dissolution of marriage proceedings.

1 *m.* Both a female and a male victim of domestic abuse.

2 *n.* A family member of a decedent whose death resulted from
3 domestic abuse.

4 4. The following individuals shall each designate a liaison
5 to assist the team in fulfilling the team's duties:

6 *a.* The attorney general.

7 *b.* The director of the Iowa department of corrections.

8 ~~*c.* The director of public health.~~

9 ~~*d.*~~ *c.* The director of health and human services.

10 ~~*e.*~~ *d.* The commissioner of public safety.

11 ~~*f.* The administrator of the bureau of vital records of the~~
12 ~~Iowa department of public health.~~

13 ~~*g.*~~ *e.* The director of the department of education.

14 ~~*h.*~~ *f.* The state court administrator.

15 ~~*i.* The director of the department of human rights.~~

16 ~~*j.*~~ *g.* The director of the state law enforcement academy.

17 5. *a.* The director of ~~public health~~, in consultation with
18 the attorney general, shall appoint review team members who are
19 not designated by another appointing authority.

20 *b.* A membership vacancy shall be filled in the same manner
21 as the original appointment.

22 *c.* The membership of the review team is subject to the
23 provisions of sections 69.16 and 69.16A, relating to political
24 affiliation and gender balance.

25 *d.* A member of the team may be reappointed to serve
26 additional terms on the team, subject to the provisions of
27 chapter 69.

28 6. Membership terms shall be three-year staggered terms.

29 7. Members of the team are eligible for reimbursement of
30 actual and necessary expenses incurred in the performance of
31 their official duties.

32 8. Team members and their agents are immune from any
33 liability, civil or criminal, which might otherwise be incurred
34 or imposed as a result of any act, omission, proceeding,
35 decision, or determination undertaken or performed, or

1 recommendation made as a team member or agent provided that the
2 team members or agents acted reasonably and in good faith and
3 without malice in carrying out their official duties in their
4 official capacity. A complainant bears the burden of proof
5 in establishing malice or unreasonableness or lack of good
6 faith in an action brought against team members involving the
7 performance of their duties and powers.

8 Sec. 149. Section 135.118, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. A child protection center grant program is established
11 in the ~~Iowa department of public health~~ in accordance with
12 this section. The ~~director of public health~~ department shall
13 establish requirements for the grant program and shall award
14 grants. A grant may be used for establishment of a new center
15 or for support of an existing center.

16 Sec. 150. Section 135.118, subsection 2, paragraph d, Code
17 2023, is amended to read as follows:

18 *d.* As necessary to address serious cases of child abuse such
19 as those involving sexual abuse, serious physical abuse, and
20 substance ~~abuse~~ use disorder, a grantee must be able to involve
21 or consult with persons from various professional disciplines
22 who have training and expertise in addressing special types
23 of child abuse. These persons may include but are not
24 limited to physicians and other health care professionals,
25 mental health professionals, social workers, child protection
26 workers, attorneys, juvenile court officers, public health
27 workers, child development experts, child educators, and child
28 advocates.

29 Sec. 151. Section 135.118, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. The director shall create a committee to consider grant
32 proposals and to make grant recommendations to the director.
33 The committee membership may include but is not limited to
34 representatives of the following: departments of health and
35 human services, and justice, ~~and public health~~, Iowa medical

1 society, Iowa hospital association, Iowa nurses association,
2 and an association representing social workers.

3 Sec. 152. Section 135.140, Code 2023, is amended to read as
4 follows:

5 **135.140 Definitions.**

6 As used in this subchapter, unless the context otherwise
7 requires:

8 1. "*Bioterrorism*" means the intentional use of any
9 microorganism, virus, infectious substance, or biological
10 product that may be engineered as a result of biotechnology,
11 or any naturally occurring or bioengineered component of any
12 such microorganism, virus, infectious substance, or biological
13 product, to cause death, disease, or other biological
14 malfunction in a human, an animal, a plant, or another living
15 organism.

16 2. "*Department*" means the Iowa department of ~~public~~ health
17 and human services.

18 3. "*Director*" means the director of ~~public~~ health and human
19 services or the director's designee.

20 4. "*Disaster*" means disaster as defined in section 29C.2.

21 ~~5. "*Division*" means the division of acute disease prevention~~
22 ~~and emergency response of the department.~~

23 ~~6.~~ 5. "*Public health disaster*" means a state of disaster
24 emergency proclaimed by the governor in consultation with the
25 department pursuant to section 29C.6 for a disaster which
26 specifically involves an imminent threat of an illness or
27 health condition that meets any of the following conditions of
28 paragraphs "a" and "b":

29 a. Is reasonably believed to be caused by any of the
30 following:

31 (1) Bioterrorism or other act of terrorism.

32 (2) The appearance of a novel or previously controlled or
33 eradicated infectious agent or biological toxin.

34 (3) A chemical attack or accidental release.

35 (4) An intentional or accidental release of radioactive

1 material.

2 (5) A nuclear or radiological attack or accident.

3 (6) A natural occurrence or incident, including but not
4 limited to fire, flood, storm, drought, earthquake, tornado,
5 or windstorm.

6 (7) A man-made occurrence or incident, including but not
7 limited to an attack, spill, or explosion.

8 b. Poses a high probability of any of the following:

9 (1) A large number of deaths in the affected population.

10 (2) A large number of serious or long-term disabilities in
11 the affected population.

12 (3) Widespread exposure to an infectious or toxic agent that
13 poses a significant risk of substantial future harm to a large
14 number of the affected population.

15 (4) Short-term or long-term physical or behavioral health
16 consequences to a large number of the affected population.

17 7. 6. "Public health response team" means a team of
18 professionals, including licensed health care providers,
19 nonmedical professionals skilled and trained in disaster or
20 emergency response, and public health practitioners, which is
21 sponsored by a hospital or other entity and approved by the
22 department to provide disaster assistance in the event of a
23 disaster or threatened disaster.

24 Sec. 153. Section 135.141, Code 2023, is amended to read as
25 follows:

26 **135.141 ~~Division of~~ Department duties related to acute**
27 **disease prevention and emergency response — establishment —**
28 **duties of department.**

29 1. ~~A division of acute disease prevention and emergency~~
30 ~~response is established within the department.~~ The division
31 department shall coordinate the administration of this
32 subchapter with ~~other administrative divisions of the~~
33 ~~department and with~~ federal, state, and local agencies and
34 officials.

35 2. The department shall do all of the following:

1 *a.* Coordinate with the department of homeland security and
2 emergency management the administration of emergency planning
3 matters which involve the public health, including development,
4 administration, and execution of the public health components
5 of the comprehensive emergency plan and emergency management
6 program pursuant to section 29C.8.

7 *b.* Coordinate with federal, state, and local agencies and
8 officials, and private agencies, organizations, companies, and
9 persons, the administration of emergency planning, response,
10 and recovery matters that involve the public health.

11 *c.* If a public health disaster exists, or if there is
12 reasonable cause to believe that a public health disaster is
13 imminent, conduct a risk assessment of any present or potential
14 danger to the public health from chemical, radiological, or
15 other potentially dangerous agents.

16 *d.* For the purpose of paragraph "*c*", an employee or agent
17 of the department may enter into and examine any premises
18 containing potentially dangerous agents with the consent of the
19 owner or person in charge of the premises or, if the owner or
20 person in charge of the premises refuses admittance, with an
21 administrative search warrant obtained under section 808.14.
22 Based on findings of the risk assessment and examination of the
23 premises, the director may order reasonable safeguards or take
24 any other action reasonably necessary to protect the public
25 health pursuant to rules adopted to administer this subsection.

26 *e.* Coordinate the location, procurement, storage,
27 transportation, maintenance, and distribution of medical
28 supplies, drugs, antidotes, and vaccines to prepare for or in
29 response to a public health disaster, including receiving,
30 distributing, and administering items from the strategic
31 national stockpile program of the centers for disease control
32 and prevention of the United States department of health and
33 human services.

34 *f.* Conduct or coordinate public information activities
35 regarding emergency and disaster planning, response, and

1 recovery matters that involve the public health.

2 *g.* Apply for and accept grants, gifts, or other funds to be
3 used for programs authorized by this subchapter.

4 *h.* Establish and coordinate other programs or activities
5 as necessary for the prevention, detection, management, and
6 containment of public health disasters, and for the recovery
7 from such disasters.

8 *i.* Adopt rules pursuant to chapter 17A for the
9 administration of this subchapter including rules adopted in
10 cooperation with the Iowa pharmacy association and the Iowa
11 hospital association for the development of a surveillance
12 system to monitor supplies of drugs, antidotes, and vaccines to
13 assist in detecting a potential public health disaster. Prior
14 to adoption, the rules shall be approved by the ~~state board of~~
15 health council on health and human services and the director of
16 the department of homeland security and emergency management.

17 Sec. 154. Section 135.166, subsection 1, paragraph a, Code
18 2023, is amended to read as follows:

19 *a.* The department of ~~public health~~ shall enter into a
20 memorandum of understanding with the contractor selected
21 through a request for proposals process to act as the
22 department's intermediary in collecting, maintaining, and
23 disseminating hospital inpatient, outpatient, and ambulatory
24 data, as initially authorized in 1996 Iowa Acts, ch. 1212, §5,
25 subsection 1, paragraph "a", subparagraph (4), and 641 IAC
26 177.3.

27 Sec. 155. Section 135.173A, Code 2023, is amended to read
28 as follows:

29 **135.173A Child care advisory committee.**

30 1. The early childhood stakeholders alliance shall
31 establish a state child care advisory committee as part of the
32 stakeholders alliance. The advisory committee shall advise
33 and make recommendations to the governor, general assembly,
34 department of ~~human services~~, and other state agencies
35 concerning child care.

1 2. The membership of the advisory committee shall consist of
2 a broad spectrum of parents and other persons from across the
3 state with an interest in or involvement with child care.

4 3. Except as otherwise provided, the voting members of
5 the advisory committee shall be appointed by the stakeholders
6 alliance from a list of names submitted by a nominating
7 committee to consist of one member of the advisory committee,
8 one member of the ~~department of human services'~~ department's
9 child care staff, three consumers of child care, and one member
10 of a professional child care organization. Two names shall be
11 submitted for each appointment. The voting members shall be
12 appointed for terms of three years.

13 4. The voting membership of the advisory committee shall be
14 appointed in a manner so as to provide equitable representation
15 of persons with an interest in child care and shall include all
16 of the following:

17 a. Two parents of children served by a registered child
18 development home.

19 b. Two parents of children served by a licensed center.

20 c. Two not-for-profit child care providers.

21 d. Two for-profit child care providers.

22 e. One child care home provider.

23 f. Three child development home providers.

24 g. One child care resource and referral service grantee.

25 h. One nongovernmental child advocacy group representative.

26 i. One designee of the department of ~~human services~~.

27 ~~j. One designee of the Iowa department of public health.~~

28 ~~k.~~ j. One designee of the department of education.

29 ~~l.~~ k. One head start program provider.

30 ~~m.~~ l. One person who is a business owner or executive
31 officer from nominees submitted by the Iowa chamber of commerce
32 executives.

33 ~~n. One designee of the early childhood Iowa office of the~~
34 ~~department of management.~~

35 ~~o.~~ m. One person who is a member of the Iowa afterschool

1 alliance.

2 ~~p.~~ n. One person who is part of a local program
3 implementing the statewide preschool program for four-year-old
4 children under chapter 256C.

5 ~~q.~~ o. One person who represents the early childhood
6 stakeholders alliance.

7 5. In addition to the voting members of the advisory
8 committee, the membership shall include four legislators as
9 ex officio, nonvoting members. The four legislators shall
10 be appointed one each by the majority leader of the senate,
11 the minority leader of the senate, the speaker of the house
12 of representatives, and the minority leader of the house of
13 representatives for terms as provided in section 69.16B.

14 6. In fulfilling the advisory committee's role, the
15 committee shall do all of the following:

16 a. Consult with the department ~~of human services~~ and make
17 recommendations concerning policy issues relating to child
18 care.

19 b. Advise the department ~~of human services~~ concerning
20 services relating to child care, including but not limited to
21 any of the following:

22 (1) Resource and referral services.

23 (2) Provider training.

24 (3) Quality improvement.

25 (4) Public-private partnerships.

26 (5) Standards review and development.

27 (6) The federal child care and development block grant,
28 state funding, grants, and other funding sources for child
29 care.

30 c. Assist the department ~~of human services~~ in developing an
31 implementation plan to provide seamless service to recipients
32 of public assistance, which includes child care services.

33 For the purposes of this subsection, "*seamless service*"

34 means coordination, where possible, of the federal and state
35 requirements which apply to child care.

1 *d.* Advise and provide technical services to the director of
2 the department of education or the director's designee relating
3 to prekindergarten, kindergarten, and before and after school
4 programming and facilities.

5 *e.* Make recommendations concerning child care expansion
6 programs that meet the needs of children attending a core
7 education program by providing child care before and after the
8 core program hours and during times when the core program does
9 not operate.

10 *f.* Make recommendations for improving collaborations
11 between the child care programs involving the department of
12 ~~human services~~ and programs supporting the education and
13 development of young children including but not limited to the
14 federal head start program; the statewide preschool program for
15 four-year-old children; and the early childhood, at-risk, and
16 other early education programs administered by the department
17 of education.

18 *g.* Make recommendations for eliminating duplication and
19 otherwise improving the eligibility determination processes
20 used for the state child care assistance program and other
21 programs supporting low-income families, including but not
22 limited to the federal head start, early head start, and even
23 start programs; the early childhood, at-risk, and preschool
24 programs administered by the department of education; the
25 family and self-sufficiency grant program; and the family
26 investment program.

27 *h.* Make recommendations as to the most effective and
28 efficient means of managing the state and federal funding
29 available for the state child care assistance program.

30 *i.* Review program data from the department of ~~human services~~
31 and other departments concerning child care as deemed to be
32 necessary by the advisory committee, although a department
33 shall not provide personally identifiable data or information.

34 *j.* Advise and assist the early childhood stakeholders
35 alliance in developing the strategic plan required pursuant to

1 section 256I.4, subsection 4.

2 7. The department ~~of human services~~ shall provide
3 information to the advisory committee semiannually on all of
4 the following:

5 a. Federal, state, local, and private revenues and
6 expenditures for child care including but not limited to
7 updates on the current and future status of the revenues and
8 expenditures.

9 b. Financial information and data relating to regulation of
10 child care by the department ~~of human services~~ and the usage of
11 the state child care assistance program.

12 c. Utilization and availability data relating to child care
13 regulation, quantity, and quality from consumer and provider
14 perspectives.

15 d. Statistical and demographic data regarding child care
16 providers and the families utilizing child care.

17 e. Statistical data regarding the processing time for
18 issuing notices of decision to state child care assistance
19 applicants and for issuing payments to child care providers.

20 8. The advisory committee shall coordinate with the early
21 childhood stakeholders alliance its reporting annually in
22 December to the governor and general assembly concerning the
23 status of child care in the state, providing findings, and
24 making recommendations. The annual report may be personally
25 presented to the general assembly's standing committees on
26 health and human resources services by a representative of the
27 advisory committee.

28 Sec. 156. Section 135.175, subsection 6, paragraphs b and c,
29 Code 2023, are amended to read as follows:

30 b. State programs that may receive funding from the fund
31 and the accounts in the fund, if specifically designated for
32 the purpose of drawing down federal funding, are the primary
33 care recruitment and retention endeavor (PRIMECARRE), the Iowa
34 affiliate of the national rural recruitment and retention
35 network, the ~~oral and health delivery systems bureau dental~~

1 program of the department, the primary care office and
 2 shortage designation program, and the state office of rural
 3 health, ~~administered through the oral and health delivery~~
 4 ~~systems bureau~~ of the department of ~~public health~~; any entity
 5 identified by the federal government entity through which
 6 federal funding for a specified health care workforce shortage
 7 initiative is received; and a program developed in accordance
 8 with the strategic plan developed by the department of ~~public~~
 9 ~~health~~ in accordance with section 135.163.

10 c. Any federal funding received for the purposes of
 11 addressing state health care workforce shortages shall be
 12 deposited in the health care workforce shortage national
 13 initiatives account, unless otherwise specified by the source
 14 of the funds, and shall be used as required by the source of
 15 the funds. If use of the federal funding is not designated,
 16 the funds shall be used in accordance with the strategic plan
 17 developed by the department of ~~public health~~ in accordance with
 18 section 135.163, or to address workforce shortages as otherwise
 19 designated by the department of ~~public health~~. Other sources
 20 of funding shall be deposited in the fund or account and used
 21 as specified by the source of the funding.

22 Sec. 157. Section 135.185, subsection 6, Code 2023, is
 23 amended to read as follows:

24 6. The department of ~~public health~~, the board of medicine,
 25 the board of nursing, and the board of pharmacy shall adopt
 26 rules pursuant to chapter 17A to implement and administer this
 27 section, including but not limited to standards and procedures
 28 for the prescription, distribution, storage, replacement, and
 29 administration of epinephrine auto-injectors, and for training
 30 and authorization to be required for personnel authorized to
 31 administer epinephrine.

32 Sec. 158. Section 135.190, subsection 1, paragraph d, Code
 33 2023, is amended to read as follows:

34 d. "*Person in a position to assist*" means a family member,
 35 friend, caregiver, health care provider, employee of a

1 substance ~~abuse~~ use disorder treatment facility, school
2 employee, or other person who may be in a place to render aid to
3 a person at risk of experiencing an opioid-related overdose.

4 Sec. 159. Section 135.190A, subsection 6, Code 2023, is
5 amended to read as follows:

6 6. The department shall submit a report to the
7 ~~co-chairpersons and ranking members of the joint appropriations~~
8 ~~subcommittee on the justice system and to the legislative~~
9 ~~services agency general assembly~~ on or before December 31
10 of each year which shall contain a list of deposits and
11 expenditures from the fund for the prior fiscal year and the
12 amount of carryover funds, if any, to be distributed in the
13 next fiscal year.

14 Sec. 160. Section 135A.2, subsections 2 and 4, Code 2023,
15 are amended to read as follows:

16 2. "*Department*" means the department of ~~public~~ health and
17 human services.

18 4. "*Governmental public health system*" means local boards
19 of health, the ~~state board of~~ council on health and human
20 services, designated local public health agencies, the state
21 hygienic laboratory, and the department.

22 Sec. 161. Section 135A.8, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. A local board of health seeking matching funds or grants
25 under this section shall apply to the department. The ~~state~~
26 ~~board of~~ council on health and human services shall adopt rules
27 concerning the application and award process for the allocation
28 of moneys in the fund and shall establish the criteria for the
29 allocation of moneys in the fund if the moneys are insufficient
30 to meet the needs of local boards of health.

31 Sec. 162. Section 135A.9, unnumbered paragraph 1, Code
32 2023, is amended to read as follows:

33 The ~~state board of~~ council on health and human services shall
34 adopt rules pursuant to chapter 17A to implement this chapter
35 which shall include but are not limited to the following:

1 Sec. 163. Section 135B.7, subsection 1, paragraph a, Code
2 2023, is amended to read as follows:

3 a. The department, with the approval of the ~~state board of~~
4 council on health and human services, shall adopt rules setting
5 out the standards for the different types of hospitals to be
6 licensed under this chapter. The department shall enforce the
7 rules.

8 Sec. 164. Section 135B.9, subsection 2, Code 2023, is
9 amended to read as follows:

10 2. In the state resource centers and state mental health
11 institutes operated by the department of health and human
12 services, the designated protection and advocacy agency as
13 provided in section 135C.2, subsection 4, shall have the
14 authority to investigate all complaints of abuse and neglect
15 of persons with developmental disabilities or mental illnesses
16 if the complaints are reported to the protection and advocacy
17 agency or if there is probable cause to believe that the abuse
18 has occurred. Such authority shall include the examination of
19 all records pertaining to the care provided to the residents
20 and contact or interview with any resident, employee, or any
21 other person who might have knowledge about the operation of
22 the institution.

23 Sec. 165. Section 135B.33, subsection 1, unnumbered
24 paragraph 1, Code 2023, is amended to read as follows:

25 Subject to availability of funds, the ~~Iowa~~ department of
26 ~~public~~ health and human services shall provide technical
27 planning assistance to local boards of health and hospital
28 governing boards to ensure access to hospital services in
29 rural areas. The department shall encourage the local boards
30 of health and hospital governing boards to adopt a long-term
31 community health services and developmental plan including the
32 following:

33 Sec. 166. Section 135B.34, Code 2023, is amended to read as
34 follows:

35 **135B.34 Hospital employees — criminal history and abuse**

1 **record checks — penalty.**

2 1. *a.* Prior to employment of a person in a hospital, the
3 hospital shall do one of the following:

4 (1) Request that the department of public safety perform a
5 criminal history check and the record check evaluation system
6 of the department of health and human services perform child
7 and dependent adult abuse record checks of the person in this
8 state.

9 (2) Access the single contact repository to perform the
10 required record checks.

11 *b.* (1) If a hospital accesses the single contact repository
12 to perform the required record checks pursuant to paragraph
13 "*a*", the hospital may utilize a third-party vendor to perform a
14 comprehensive preliminary background check and provisionally
15 employ a person being considered for employment pending
16 completion of the required record checks through the single
17 contact repository and the evaluation by the ~~department of~~
18 ~~human services~~ record check evaluation system, as applicable,
19 subject to all of the following:

20 (a) If the comprehensive preliminary background check
21 determines that the person being considered for employment has
22 been convicted of a crime, but the crime does not constitute a
23 felony as defined in section 701.7 and is not a crime specified
24 pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or
25 712, or pursuant to section 726.3, 726.27, or 726.28.

26 (b) If the comprehensive preliminary background check
27 determines the person being considered for employment does not
28 have a record of founded child abuse or dependent adult abuse
29 or if an exception pursuant to subsection 4 is applicable to
30 the person.

31 (c) If the hospital has requested an evaluation in
32 accordance with subsection 2, paragraph "*a*", to determine
33 whether the crime warrants prohibition of the person's
34 employment in the hospital.

35 (2) The provisional employment under this paragraph "*b*"

1 may continue until such time as the required record checks
2 through the single contact repository and the evaluation by the
3 ~~department of human services~~ record check evaluation system,
4 as applicable, are completed.

5 *c.* A hospital shall inform all persons prior to employment
6 regarding the performance of the record checks and shall
7 obtain, from the persons, a signed acknowledgment of the
8 receipt of the information. A hospital shall include the
9 following inquiry in an application for employment:

10 Do you have a record of founded child or dependent adult abuse
11 or have you ever been convicted of a crime, in this state or any
12 other state?

13 2. *a.* If it is determined that a person being considered
14 for employment in a hospital has committed a crime, the
15 department of public safety shall notify the hospital that upon
16 the request of the hospital the ~~department of human services~~
17 record check evaluation system will perform an evaluation
18 to determine whether the crime warrants prohibition of the
19 person's employment in the hospital.

20 *b.* (1) If a person being considered for employment, other
21 than employment involving the operation of a motor vehicle, has
22 been convicted of a crime listed in subparagraph (2) but does
23 not have a record of founded child or dependent adult abuse
24 and the hospital has requested an evaluation in accordance
25 with paragraph "a" to determine whether the crime warrants
26 prohibition of the person's employment, the hospital may employ
27 the person for not more than sixty calendar days pending
28 completion of the evaluation.

29 (2) Subparagraph (1) applies to a crime that is a simple
30 misdemeanor offense under section 123.47, and to a crime
31 that is a first offense of operating a motor vehicle while
32 intoxicated under section 321J.2, subsection 1.

33 *c.* If a ~~department of human services~~ record check evaluation
34 system child or dependent adult abuse record check shows that
35 the person has a record of founded child or dependent adult

1 abuse, the ~~department of human services~~ record check evaluation
2 system shall notify the hospital that upon the request of
3 the hospital the ~~department of human services~~ record check
4 evaluation system will perform an evaluation to determine
5 whether the founded child or dependent adult abuse warrants
6 prohibition of the person's employment in the hospital.

7 d. An evaluation performed under this subsection shall
8 be performed in accordance with procedures adopted for this
9 purpose by the department of health and human services.

10 e. (1) If a person owns or operates more than one hospital,
11 and an employee of one of such hospitals is transferred to
12 another such hospital without a lapse in employment, the
13 hospital is not required to request additional criminal and
14 child and dependent adult abuse record checks of that employee.

15 (2) If the ownership of a hospital is transferred, at the
16 time of transfer the record checks required by this section
17 shall be performed for each employee for whom there is no
18 documentation that such record checks have been performed.
19 The hospital may continue to employ such employee pending the
20 performance of the record checks and any related evaluation.

21 3. In an evaluation, the ~~department of human services~~
22 record check evaluation system shall consider the nature and
23 seriousness of the crime or founded child or dependent adult
24 abuse in relation to the position sought or held, the time
25 elapsed since the commission of the crime or founded child
26 or dependent adult abuse, the circumstances under which the
27 crime or founded child or dependent adult abuse was committed,
28 the degree of rehabilitation, the likelihood that the person
29 will commit the crime or founded child or dependent adult
30 abuse again, and the number of crimes or founded child or
31 dependent adult abuses committed by the person involved. If
32 the ~~department of human services~~ record check evaluation system
33 performs an evaluation for the purposes of this section, the
34 ~~department of human services~~ record check evaluation system
35 has final authority in determining whether prohibition of the

1 person's employment is warranted.

2 4. a. Except as provided in subsection 1, paragraph "b",
3 subsection 2, and paragraph "b" of this subsection, a person
4 who has committed a crime or has a record of founded child
5 or dependent adult abuse shall not be employed in a hospital
6 licensed under this chapter unless an evaluation has been
7 performed by the ~~department of human services~~ record check
8 evaluation system.

9 b. A person with a criminal or abuse record who is or was
10 employed by a hospital licensed under this chapter and is hired
11 by another hospital shall be subject to the criminal history
12 and abuse record checks required pursuant to subsection 1.
13 However, if an evaluation was previously performed by the
14 ~~department of human services~~ record check evaluation system
15 concerning the person's criminal or abuse record and it was
16 determined that the record did not warrant prohibition of
17 the person's employment and the latest record checks do not
18 indicate a crime was committed or founded abuse record was
19 entered subsequent to that evaluation, the person may commence
20 employment with the other hospital in accordance with the
21 ~~department of human services'~~ record check evaluation system's
22 evaluation and an exemption from the requirements in paragraph
23 "a" for reevaluation of the latest record checks is authorized.
24 Otherwise, the requirements of paragraph "a" remain applicable
25 to the person's employment. Authorization of an exemption
26 under this paragraph "b" from requirements for reevaluation of
27 the latest record checks by the ~~department of human services~~
28 record check evaluation system is subject to all of the
29 following provisions:

30 (1) The position with the subsequent employer is
31 substantially the same or has the same job responsibilities as
32 the position for which the previous evaluation was performed.

33 (2) Any restrictions placed on the person's employment in
34 the previous evaluation by the ~~department of human services~~
35 record check evaluation system shall remain applicable in the

1 person's subsequent employment.

2 (3) The person subject to the record checks has maintained a
3 copy of the previous evaluation and provides the evaluation to
4 the subsequent employer or the previous employer provides the
5 previous evaluation from the person's personnel file pursuant
6 to the person's authorization. If a physical copy of the
7 previous evaluation is not provided to the subsequent employer,
8 the record checks shall be reevaluated.

9 (4) Although an exemption under this lettered paragraph "b"
10 may be authorized, the subsequent employer may instead request
11 a reevaluation of the record checks and may employ the person
12 while the reevaluation is being performed.

13 5. a. If a person employed by a hospital that is subject
14 to this section is convicted of a crime or has a record of
15 founded child or dependent adult abuse entered in the abuse
16 registry after the person's employment application date, the
17 person shall inform the hospital of such information within
18 forty-eight hours of the criminal conviction or entry of the
19 record of founded child or dependent adult abuse. The hospital
20 shall act to verify the information within seven calendar
21 days of notification. If the information is verified, the
22 requirements of subsections 2, 3, and 4 regarding employability
23 and evaluations shall be applied by the hospital to determine
24 whether or not the person's employment is continued. The
25 hospital may continue to employ the person pending the
26 performance of an evaluation by the ~~department of human~~
27 services record check evaluation system to determine whether
28 prohibition of the person's employment is warranted. A person
29 who is required by this subsection to inform the person's
30 employer of a conviction or entry of an abuse record and
31 fails to do so within the required period commits a serious
32 misdemeanor.

33 b. If a hospital receives credible information, as
34 determined by the hospital, that a person employed by the
35 hospital has been convicted of a crime or a record of founded

1 child or dependent adult abuse has been entered in the
2 abuse registry after employment from a person other than the
3 employee and the employee has not informed the hospital of such
4 information within the period required under paragraph "a", the
5 hospital shall act to verify the credible information within
6 seven calendar days of receipt of the credible information. If
7 the information is verified, the requirements of subsections
8 2, 3, and 4 regarding employability and evaluations shall
9 be applied by the hospital to determine whether or not the
10 person's employment is continued.

11 c. The hospital may notify the county attorney for the
12 county where the hospital is located of any violation or
13 failure by an employee to notify the hospital of a criminal
14 conviction or entry of an abuse record within the period
15 required under paragraph "a".

16 6. A hospital licensed in this state may access the single
17 contact repository established by the department pursuant to
18 section 135C.33 as necessary for the hospital to perform record
19 checks of persons employed or being considered for employment
20 by the hospital.

21 7. For the purposes of this section, *"comprehensive*
22 *preliminary background check"* ~~means~~ and "record check evaluation
23 system" mean the same as defined in section 135C.1.

24 Sec. 167. Section 135C.1, subsection 20, Code 2023, is
25 amended to read as follows:

26 20. *"Residential care facility"* means any institution,
27 place, building, or agency providing for a period exceeding
28 twenty-four consecutive hours accommodation, board, personal
29 assistance and other essential daily living activities to
30 three or more individuals, not related to the administrator or
31 owner thereof within the third degree of consanguinity, who by
32 reason of illness, disease, or physical or mental infirmity
33 are unable to sufficiently or properly care for themselves but
34 who do not require the services of a registered or licensed
35 practical nurse except on an emergency basis or who by reason

1 of illness, disease, or physical or mental infirmity are unable
2 to sufficiently or properly care for themselves but who do not
3 require the services of a registered or licensed practical
4 nurse except on an emergency basis if home and community-based
5 services, other than nursing care, as defined by this chapter
6 and departmental rule, are provided. For the purposes of
7 this definition, the home and community-based services to be
8 provided are limited to the type included under the medical
9 assistance program provided pursuant to chapter 249A, are
10 subject to cost limitations established by the department
11 of health and human services under the medical assistance
12 program, and except as otherwise provided by the department of
13 inspections and appeals with the concurrence of the department
14 of health and human services, are limited in capacity to the
15 number of licensed residential care facilities and the number
16 of licensed residential care facility beds in the state as of
17 December 1, 2003.

18 Sec. 168. Section 135C.1, Code 2023, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 18A. "*Record check evaluation system*" means
21 the record check evaluation system of the department of health
22 and human services used to perform child and dependent adult
23 abuse record checks and to evaluate criminal history and abuse
24 records.

25 Sec. 169. Section 135C.4, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. For the purposes of this section, the home and
28 community-based services to be provided shall be limited
29 to the type included under the medical assistance program
30 provided pursuant to chapter 249A, shall be subject to cost
31 limitations established by the department of health and human
32 services under the medical assistance program, and except
33 as otherwise provided by the department of inspections and
34 appeals with the concurrence of the department of health and
35 human services, shall be limited in capacity to the number of

1 licensed residential care facilities and the number of licensed
2 residential care facility beds in the state as of December 1,
3 2003.

4 Sec. 170. Section 135C.6, subsections 8 and 9, Code 2023,
5 are amended to read as follows:

6 8. The following residential programs to which the
7 department of health and human services applies accreditation,
8 certification, or standards of review shall not be required to
9 be licensed as a health care facility under this chapter:

10 a. Residential programs providing care to not more than four
11 individuals and receiving moneys appropriated to the department
12 of health and human services under provisions of a federally
13 approved home and community-based services waiver for persons
14 with an intellectual disability or other medical assistance
15 program under chapter 249A. In approving a residential
16 program under this paragraph, the department of health and
17 human services shall consider the geographic location of the
18 program so as to avoid an overconcentration of such programs
19 in an area. In order to be approved under this paragraph,
20 a residential program shall not be required to involve the
21 conversion of a licensed residential care facility for persons
22 with an intellectual disability.

23 b. Not more than forty residential care facilities for
24 persons with an intellectual disability that are licensed to
25 serve not more than five individuals may be authorized by the
26 department of health and human services to convert to operation
27 as a residential program under the provisions of a medical
28 assistance home and community-based services waiver for persons
29 with an intellectual disability. A converted residential
30 program operating under this paragraph is subject to the
31 conditions stated in paragraph "a" except that the program shall
32 not serve more than five individuals.

33 c. A residential program approved by the department of
34 health and human services pursuant to this paragraph "c" to
35 receive moneys appropriated to the department of health and

1 human services under provisions of a federally approved home
2 and community-based services habilitation or waiver program may
3 provide care to not more than five individuals. The department
4 shall approve a residential program under this paragraph that
5 complies with all of the following conditions:

6 (1) Approval of the program will not result in an
7 overconcentration of such programs in an area.

8 (2) The county in which the residential program is located
9 submits to the department of health and human services a letter
10 of support for approval of the program.

11 (3) The county in which the residential program is located
12 provides to the department of health and human services
13 verification in writing that the program is needed to address
14 one or more of the following:

15 (a) The quantity of services currently available in the
16 county is insufficient to meet the need.

17 (b) The quantity of affordable rental housing in the county
18 is insufficient.

19 (c) Implementation of the program will cause a reduction in
20 the size or quantity of larger congregate programs.

21 9. Contingent upon the department of health and human
22 services receiving federal approval, a residential program
23 which serves not more than eight individuals and is licensed as
24 an intermediate care facility for persons with an intellectual
25 disability may surrender the facility license and continue
26 to operate under a federally approved medical assistance
27 home and community-based services waiver for persons with an
28 intellectual disability, if the department of health and human
29 services has approved a plan submitted by the residential
30 program.

31 Sec. 171. Section 135C.14, unnumbered paragraph 1, Code
32 2023, is amended to read as follows:

33 The department shall, in accordance with chapter 17A and
34 with the approval of the ~~state board of~~ council on health
35 and human services, adopt and enforce rules setting minimum

1 standards for health care facilities. In so doing, the
2 department, with the approval of the ~~state board of~~ council
3 on health and human services, may adopt by reference, with
4 or without amendment, nationally recognized standards and
5 rules, which shall be specified by title and edition, date
6 of publication, or similar information. The rules and
7 standards required by this section shall be formulated in
8 consultation with the director of health and human services or
9 the director's designee, with the state fire marshal, and with
10 affected industry, professional, and consumer groups, and shall
11 be designed to further the accomplishment of the purposes of
12 this chapter and shall relate to:

13 Sec. 172. Section 135C.16, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. An authorized representative of the department may
16 enter any licensed health care facility without a warrant,
17 and may examine all records pertaining to the care provided
18 residents of the facility. An authorized representative of the
19 department may contact or interview any resident, employee, or
20 any other person who might have knowledge about the operation
21 of a health care facility. An authorized representative of the
22 department of health and human services shall have the same
23 right with respect to any facility where one or more residents
24 are cared for entirely or partially at public expense, and an
25 authorized representative of the designated protection and
26 advocacy agency shall have the same right with respect to
27 any facility where one or more residents have developmental
28 disabilities or mental illnesses, and the state fire marshal
29 or a deputy appointed pursuant to section 135C.9, subsection
30 1, paragraph "b", shall have the same right of entry into any
31 facility and the right to inspect any records pertinent to
32 fire safety practices and conditions within that facility, and
33 an authorized representative of the office of long-term care
34 ombudsman shall have the same right with respect to any nursing
35 facility or residential care facility. If any such authorized

1 representative has probable cause to believe that any
2 institution, building, or agency not licensed as a health care
3 facility is in fact a health care facility as defined by this
4 chapter, and upon producing identification that the individual
5 is an authorized representative is denied entry ~~thereto~~ to
6 the facility for the purpose of making an inspection, the
7 authorized representative may, with the assistance of the
8 county attorney of the county in which the purported health
9 care facility is located, apply to the district court for an
10 order requiring the owner or occupant to permit entry and
11 inspection of the premises to determine whether there have been
12 any violations of this chapter.

13 Sec. 173. Section 135C.17, Code 2023, is amended to read as
14 follows:

15 **135C.17 Duties of other departments.**

16 It shall be the duty of the department of health and
17 human services, state fire marshal, office of long-term care
18 ombudsman, and the officers and agents of other state and local
19 governmental units, and the designated protection and advocacy
20 agency to assist the department in carrying out the provisions
21 of this chapter, insofar as the functions of these respective
22 offices and departments are concerned with the health, welfare,
23 and safety of any resident of any health care facility. It
24 shall be the duty of the department to cooperate with the
25 protection and advocacy agency and the office of long-term
26 care ombudsman by responding to all reasonable requests for
27 assistance and information as required by federal law and this
28 chapter.

29 Sec. 174. Section 135C.19, subsection 2, paragraph b, Code
30 2023, is amended to read as follows:

31 *b.* A copy of each citation required to be posted by this
32 subsection shall be sent by the department to the department
33 of health and human services, to the designated protection
34 and advocacy agency if the facility has one or more residents
35 with developmental disabilities or mental illness, and to the

1 office of long-term care ombudsman if the facility is a nursing
2 facility or residential care facility.

3 Sec. 175. Section 135C.19, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. If the facility cited subsequently advises the
6 department of health and human services that the violation
7 has been corrected to the satisfaction of the department of
8 inspections and appeals, the department of health and human
9 services shall maintain this advisory in the same file with
10 the copy of the citation. The department of health and human
11 services shall not disseminate to the public any information
12 regarding citations issued by the department of inspections and
13 appeals, but shall forward or refer inquiries to the department
14 of inspections and appeals.

15 Sec. 176. Section 135C.20A, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. The report card form shall be developed by the department
18 in cooperation with representatives of the department ~~on~~
19 aging of health and human services, the state long-term care
20 ombudsman, representatives of certified volunteer long-term
21 care ombudsmen, representatives of protection and advocacy
22 entities, consumers, and other interested persons.

23 Sec. 177. Section 135C.22, Code 2023, is amended to read as
24 follows:

25 **135C.22 Applicable to governmental units.**

26 The provisions of this chapter shall be applicable to
27 institutions operated by or under the control of the department
28 of health and human services, the state board of regents, or
29 any other governmental unit.

30 Sec. 178. Section 135C.31A, Code 2023, is amended to read
31 as follows:

32 **135C.31A Assessment of residents — program eligibility —**
33 **prescription drug coverage.**

34 1. A health care facility shall assist the Iowa department
35 of veterans affairs in identifying, upon admission of a

1 resident, the resident's eligibility for benefits through the
2 United States department of veterans affairs. The department
3 of inspections and appeals, in cooperation with the department
4 of health and human services, shall adopt rules to administer
5 this section, including a provision that ensures that if a
6 resident is eligible for benefits through the United States
7 department of veterans affairs or other third-party payor,
8 the payor of last resort for reimbursement to the health care
9 facility is the medical assistance program. The rules shall
10 also require the health care facility to request information
11 from a resident or resident's personal representative regarding
12 the resident's veteran status and to report to the Iowa
13 department of veterans affairs only the names of residents
14 identified as potential veterans along with the names of their
15 spouses and any dependents. Information reported by the
16 health care facility shall be verified by the Iowa department
17 of veterans affairs. This section shall not apply to the
18 admission of an individual to a state mental health institute
19 for acute psychiatric care or to the admission of an individual
20 to the Iowa veterans home.

21 2. a. If a resident is identified, upon admission to a
22 health care facility, as eligible for benefits through the
23 United States department of veterans affairs pursuant to
24 subsection 1 or through other means, the health care facility
25 shall allow the resident to access any prescription drug
26 benefit included in such benefits for which the resident is
27 also eligible. The health care facility shall also assist the
28 Iowa department of veterans affairs in identifying individuals
29 residing in such health care facilities on July 1, 2009, who
30 are eligible for the prescription drug benefit.

31 b. The department of inspections and appeals, the department
32 of veterans affairs, and the department of health and human
33 services shall identify any barriers to residents in accessing
34 such prescription drug benefits and shall assist health
35 care facilities in adjusting their procedures for medication

1 administration to comply with this subsection.

2 Sec. 179. Section 135C.33, Code 2023, is amended to read as
3 follows:

4 **135C.33 Employees and certified nurse aide trainees — child**
5 **or dependent adult abuse information and criminal record check**
6 **options — evaluations — application to other providers —**
7 **penalty.**

8 1. *a.* For the purposes of this section, the term “*crime*”
9 does not include offenses under chapter 321 classified as a
10 simple misdemeanor or equivalent simple misdemeanor offenses
11 from another jurisdiction.

12 *b.* Prior to employment of a person in a facility or with a
13 provider as specified in subsection 5, the facility or provider
14 shall do one of the following:

15 (1) Request that the department of public safety perform a
16 criminal history check and the record check evaluation system
17 of the department of health and human services perform child
18 and dependent adult abuse record checks of the person in this
19 state.

20 (2) Access the single contact repository to perform the
21 required record checks.

22 *c.* (1) If a facility or a provider as specified in
23 subsection 5 accesses the single contact repository to perform
24 the required record checks pursuant to paragraph “*b*”, the
25 facility or provider may utilize a third-party vendor to
26 perform a comprehensive preliminary background check and
27 provisionally employ a person being considered for employment
28 pending completion of the required record checks through
29 the single contact repository and the evaluation by the
30 ~~department of human services~~ record check evaluation system, as
31 applicable, subject to all of the following:

32 (a) If the comprehensive preliminary background check
33 determines that the person being considered for employment has
34 been convicted of a crime, but the crime does not constitute a
35 felony as defined in section 701.7 and is not a crime specified

1 pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or
2 712, or pursuant to section 726.3, 726.27, or 726.28.

3 (b) If the comprehensive preliminary background check
4 determines the person being considered for employment does not
5 have a record of founded child abuse or dependent adult abuse
6 or if an exception pursuant to subsection 4 is applicable to
7 the person.

8 (c) If the facility or provider has requested an evaluation
9 in accordance with subsection 2, paragraph "a", to determine
10 whether the crime warrants prohibition of the person's
11 employment in the facility or with the provider.

12 (2) The provisional employment under this paragraph "c"
13 may continue until such time as the required record checks
14 through the single contact repository and the evaluation by the
15 ~~department of human services~~ record check evaluation system,
16 as applicable, are completed.

17 d. A facility or provider shall inform all persons prior
18 to employment regarding the performance of the record checks
19 and shall obtain, from the persons, a signed acknowledgment of
20 the receipt of the information. A facility or provider shall
21 include the following inquiry in an application for employment:
22 Do you have a record of founded child or dependent adult abuse
23 or have you ever been convicted of a crime other than a simple
24 misdemeanor offense relating to motor vehicles and laws of the
25 road under chapter 321 or equivalent provisions, in this state
26 or any other state?

27 2. a. If it is determined that a person being considered
28 for employment in a facility or with a provider has been
29 convicted of a crime under a law of any state, the department
30 of public safety shall notify the facility or provider that
31 upon the request of the facility or provider the ~~department of~~
32 ~~human services~~ record check evaluation system will perform an
33 evaluation to determine whether the crime warrants prohibition
34 of the person's employment in the facility or with the
35 provider.

1 *b.* (1) If a person being considered for employment, other
2 than employment involving the operation of a motor vehicle, has
3 been convicted of a crime listed in subparagraph (2) but does
4 not have a record of founded child or dependent adult abuse
5 and the facility or provider has requested an evaluation in
6 accordance with paragraph "a" to determine whether the crime
7 warrants prohibition of the person's employment, the facility
8 or provider may employ the person for not more than sixty
9 calendar days pending completion of the evaluation.

10 (2) Subparagraph (1) applies to a crime that is a simple
11 misdemeanor offense under section 123.47, and to a crime
12 that is a first offense of operating a motor vehicle while
13 intoxicated under section 321J.2, subsection 1.

14 *c.* If a ~~department of human services~~ record check evaluation
15 system child or dependent adult abuse record check shows
16 that such person has a record of founded child or dependent
17 adult abuse, the ~~department of human services~~ record check
18 evaluation system shall notify the facility or provider that
19 upon the request of the facility or provider the ~~department of~~
20 ~~human services~~ record check evaluation system will perform an
21 evaluation to determine whether the founded child or dependent
22 adult abuse warrants prohibition of employment in the facility
23 or with the provider.

24 *d.* An evaluation performed under this subsection shall
25 be performed in accordance with procedures adopted for this
26 purpose by the department of health and human services.

27 *e.* (1) If a person owns or operates more than one facility
28 or a provider owns or operates more than one location, and
29 an employee of one of such facilities or provider locations
30 is transferred to another such facility or provider location
31 without a lapse in employment, the facility or provider is not
32 required to request additional criminal and child and dependent
33 adult abuse record checks of that employee.

34 (2) If the ownership of a facility or provider is
35 transferred, at the time of transfer the record checks required

1 by this section shall be performed for each employee for whom
2 there is no documentation that such record checks have been
3 performed. The facility or provider may continue to employ
4 such employee pending the performance of the record checks and
5 any related evaluation.

6 3. In an evaluation, the ~~department of human services~~
7 record check evaluation system shall consider the nature and
8 seriousness of the crime or founded child or dependent adult
9 abuse in relation to the position sought or held, the time
10 elapsed since the commission of the crime or founded child
11 or dependent adult abuse, the circumstances under which the
12 crime or founded child or dependent adult abuse was committed,
13 the degree of rehabilitation, the likelihood that the person
14 will commit the crime or founded child or dependent adult
15 abuse again, and the number of crimes or founded child or
16 dependent adult abuses committed by the person involved. If
17 the ~~department of human services~~ record check evaluation system
18 performs an evaluation for the purposes of this section, the
19 ~~department of human services~~ record check evaluation system
20 has final authority in determining whether prohibition of the
21 person's employment is warranted.

22 4. a. Except as provided in subsection 1, paragraph "c",
23 subsection 2, and paragraph "b" of this subsection, a person
24 who has committed a crime or has a record of founded child or
25 dependent adult abuse shall not be employed in a facility or
26 with a provider unless an evaluation has been performed by the
27 ~~department of human services~~ record check evaluation system.

28 b. A person with a criminal or abuse record who is or was
29 employed by a facility or provider and is hired by another
30 facility or provider shall be subject to the criminal history
31 and abuse record checks required pursuant to subsection 1.
32 However, if an evaluation was previously performed by the
33 ~~department of human services~~ record check evaluation system
34 concerning the person's criminal or abuse record and it was
35 determined that the record did not warrant prohibition of

1 the person's employment and the latest record checks do not
2 indicate a crime was committed or founded abuse record was
3 entered subsequent to that evaluation, the person may commence
4 employment with the other facility or provider in accordance
5 with the ~~department of human services'~~ record check evaluation
6 system's evaluation and an exemption from the requirements in
7 paragraph "a" for reevaluation of the latest record checks
8 is authorized. Otherwise, the requirements of paragraph "a"
9 remain applicable to the person's employment. Authorization
10 of an exemption under this paragraph "b" from requirements for
11 reevaluation of the latest record checks by the ~~department of~~
12 ~~human services~~ record check evaluation system is subject to all
13 of the following provisions:

14 (1) The position with the subsequent employer is
15 substantially the same or has the same job responsibilities as
16 the position for which the previous evaluation was performed.

17 (2) Any restrictions placed on the person's employment in
18 the previous evaluation by the ~~department of human services~~
19 record check evaluation system shall remain applicable in the
20 person's subsequent employment.

21 (3) The person subject to the record checks has maintained a
22 copy of the previous evaluation and provides the evaluation to
23 the subsequent employer or the previous employer provides the
24 previous evaluation from the person's personnel file pursuant
25 to the person's authorization. If a physical copy of the
26 previous evaluation is not provided to the subsequent employer,
27 the record checks shall be reevaluated.

28 (4) Although an exemption under this paragraph "b" may
29 be authorized, the subsequent employer may instead request a
30 reevaluation of the record checks and may employ the person
31 while the reevaluation is being performed.

32 5. a. This section shall also apply to prospective
33 employees of all of the following, if the provider is regulated
34 by the state or receives any state or federal funding:

35 (1) An employee of a homemaker-home health aide, home care

1 aide, adult day services, or other provider of in-home services
2 if the employee provides direct services to consumers.

3 (2) An employee of a hospice, if the employee provides
4 direct services to consumers.

5 (3) An employee who provides direct services to consumers
6 under a federal home and community-based services waiver.

7 (4) An employee of an elder group home certified under
8 chapter 231B, if the employee provides direct services to
9 consumers.

10 (5) An employee of an assisted living program certified
11 under chapter 231C, if the employee provides direct services
12 to consumers.

13 b. In substantial conformance with the provisions of this
14 section, including the provision authorizing provisional
15 employment following completion of a comprehensive preliminary
16 background check, prior to the employment of such an employee,
17 the provider shall request the performance of the criminal
18 and child and dependent adult abuse record checks. The
19 provider shall inform the prospective employee and obtain the
20 prospective employee's signed acknowledgment. The ~~department~~
21 ~~of human services~~ record check evaluation system shall perform
22 the evaluation of any criminal record or founded child or
23 dependent adult abuse record and shall make the determination
24 of whether a prospective employee of a provider shall not be
25 employed by the provider.

26 6. a. This section shall also apply to an employee of
27 a temporary staffing agency that provides staffing for a
28 facility, service, program, or other provider regulated by this
29 section if the employee provides direct services to consumers.

30 b. In substantial conformance with the provisions of this
31 section, including the provision authorizing provisional
32 employment following completion of a comprehensive preliminary
33 background check, prior to the employment of such an employee,
34 the temporary staffing agency shall request the performance of
35 the criminal and child and dependent adult abuse record checks.

1 The temporary staffing agency shall inform the prospective
2 employee and obtain the prospective employee's signed
3 acknowledgment. The ~~department of human services~~ record check
4 evaluation system shall perform the evaluation of any criminal
5 record or founded child or dependent adult abuse record
6 and shall make the determination of whether a prospective
7 employee of a temporary staffing agency shall not be employed
8 by the assisted living program as defined in section 231C.2,
9 the Medicare certified home health agency, or the facility,
10 service, program, or other provider regulated by this section.

11 c. If a person employed by a temporary staffing agency that
12 is subject to this section is convicted of a crime or has a
13 record of founded child or dependent adult abuse entered in the
14 abuse registry after the person's employment application date,
15 the person shall inform the temporary staffing agency within
16 forty-eight hours and the temporary staffing agency shall
17 inform the facility, service, program, or other provider within
18 two hours.

19 d. If a temporary staffing agency fails to comply with the
20 requirements of this section, the temporary staffing agency
21 shall be liable to the facility, service, program, or other
22 provider for any actual damages, including civil penalties, and
23 reasonable attorney fees.

24 e. This section shall not apply to employees employed by a
25 temporary staffing agency for a position that does not provide
26 direct services to consumers.

27 7. a. The department of inspections and appeals, in
28 conjunction with other departments and agencies of state
29 government involved with criminal history and abuse registry
30 information, shall establish a single contact repository for
31 facilities and other providers to have electronic access to
32 data to perform background checks for purposes of employment,
33 as required of the facilities and other providers under this
34 section.

35 b. The department may access the single contact repository

1 for any of the following purposes:

2 (1) To verify data transferred from the department's nurse
3 aide registry to the repository.

4 (2) To conduct record checks of applicants for employment
5 with the department.

6 8. a. If a person employed by a facility, service, or
7 program employer that is subject to this section is convicted
8 of a crime or has a record of founded child or dependent
9 adult abuse entered in the abuse registry after the person's
10 employment application date, the person shall inform the
11 employer of such information within forty-eight hours of the
12 criminal conviction or entry of the record of founded child or
13 dependent adult abuse. The employer shall act to verify the
14 information within seven calendar days of notification. If
15 the information is verified, the requirements of subsections
16 2, 3, and 4 regarding employability and evaluations shall
17 be applied by the employer to determine whether or not the
18 person's employment is continued. The employer may continue to
19 employ the person pending the performance of an evaluation by
20 the ~~department of human services~~ record check evaluation system
21 to determine whether prohibition of the person's employment
22 is warranted. A person who is required by this subsection to
23 inform the person's employer of a conviction or entry of an
24 abuse record and fails to do so within the required period
25 commits a serious misdemeanor.

26 b. If a facility, service, or program employer receives
27 credible information, as determined by the employer, that a
28 person employed by the employer has been convicted of a crime
29 or a record of founded child or dependent adult abuse has been
30 entered in the abuse registry after employment from a person
31 other than the employee and the employee has not informed
32 the employer of such information within the period required
33 under paragraph "a", the employer shall act to verify the
34 credible information within seven calendar days of receipt of
35 the credible information. If the information is verified, the

1 requirements of subsections 2, 3, and 4 regarding employability
2 and evaluations shall be applied to determine whether or not
3 the person's employment is continued.

4 *c.* The employer may notify the county attorney for the
5 county where the employer is located of any violation or
6 failure by an employee to notify the employer of a criminal
7 conviction or entry of an abuse record within the period
8 required under paragraph "a".

9 9. *a.* For the purposes of this subsection, unless the
10 context otherwise requires:

11 (1) "*Certified nurse aide training program*" means a program
12 approved in accordance with the rules for such programs adopted
13 by the department of health and human services for the training
14 of persons seeking to be a certified nurse aide for employment
15 in any of the facilities or programs this section applies to or
16 in a hospital, as defined in section 135B.1.

17 (2) "*Student*" means a person applying for, enrolled in, or
18 returning to a certified nurse aide training program.

19 *b.* (1) Prior to a student beginning or returning to a
20 certified nurse aide training program, the program shall do one
21 of the following:

22 (a) Request that the department of public safety perform
23 a criminal history check and the ~~department of human services~~
24 record check evaluation system perform child and dependent
25 adult abuse record checks, in this state, of the student.

26 (b) Access the single contact repository to perform the
27 required record checks.

28 (2) If a program accesses the single contact repository to
29 perform the required record checks pursuant to subparagraph
30 (1), the program may utilize a third-party vendor to perform a
31 comprehensive preliminary background check to allow a person
32 to provisionally participate in the clinical component of the
33 certified nurse aide training program pending completion of the
34 required record checks through the single contact repository
35 and the evaluation by the ~~department of human services~~ record

1 check evaluation system, as applicable, subject to all of the
2 following:

3 (a) If the comprehensive preliminary background check
4 determines that the person being considered for provisional
5 participation has been convicted of a crime but the crime does
6 not constitute a felony as defined in section 701.7 and is not
7 a crime specified pursuant to chapter 708, 708A, 709, 709A,
8 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27,
9 or 726.28.

10 (b) If the comprehensive preliminary background check
11 determines the person being considered for provisional
12 participation does not have a record of founded child abuse or
13 dependent adult abuse or if an exception pursuant to subsection
14 4 is applicable to the person.

15 (c) If the program has requested an evaluation in accordance
16 with subsection 2, paragraph "a", to determine whether the crime
17 warrants prohibition of the person's provisional participation.

18 (d) The provisional participation under this subparagraph
19 (2) may continue until such time as the required record checks
20 through the single contact repository and the evaluation by the
21 ~~department of human services~~ record check evaluation system,
22 as applicable, are completed.

23 c. If a student has a criminal record or a record of
24 founded child or dependent adult abuse, the student shall
25 not be involved in a clinical education component of the
26 certified nurse aide training program involving children or
27 dependent adults unless an evaluation has been performed by the
28 ~~department of human services~~ record check evaluation system.
29 Upon request of the certified nurse aide training program, the
30 ~~department of human services~~ record check evaluation system
31 shall perform an evaluation to determine whether the record
32 warrants prohibition of the student's involvement in a clinical
33 education component of the certified nurse aide training
34 program involving children or dependent adults. The evaluation
35 shall be performed in accordance with the criteria specified in

1 subsection 3, and the ~~department of human services~~ record check
2 evaluation system shall report the results of the evaluation
3 to the certified nurse aide training program. The ~~department~~
4 ~~of human services~~ record check evaluation system has final
5 authority in determining whether prohibition of the student's
6 involvement in the clinical education component is warranted.

7 d. (1) If a student's clinical education component of the
8 training program involves children or dependent adults but
9 does not involve operation of a motor vehicle, and the student
10 has been convicted of a crime listed in subparagraph (2), but
11 does not have a record of founded child or dependent adult
12 abuse, and the training program has requested an evaluation in
13 accordance with paragraph "c" to determine whether the crime
14 warrants prohibition of the student's involvement in such
15 clinical education component, the training program may allow
16 the student's participation in the component for not more than
17 sixty days pending completion of the evaluation.

18 (2) Subparagraph (1) applies to a crime that is a simple
19 misdemeanor offense under section 123.47, and to a crime
20 that is a first offense of operating a motor vehicle while
21 intoxicated under section 321J.2, subsection 1.

22 e. (1) If a student is convicted of a crime or has a
23 record of founded child or dependent adult abuse entered in the
24 abuse registry after the record checks and any evaluation have
25 been performed, the student shall inform the certified nurse
26 aide training program of such information within forty-eight
27 hours of the criminal conviction or entry of the record of
28 founded child or dependent adult abuse. The program shall
29 act to verify the information within seven calendar days of
30 notification. If the information is verified, the requirements
31 of paragraph "c" shall be applied by the program to determine
32 whether or not the student's involvement in a clinical
33 education component may continue. The program may allow
34 the student involvement to continue pending the performance
35 of an evaluation by the ~~department of human services~~ record

1 check evaluation system. A student who is required by this
 2 subparagraph to inform the program of a conviction or entry of
 3 an abuse record and fails to do so within the required period
 4 commits a serious misdemeanor.

5 (2) If a program receives credible information, as
 6 determined by the program, that a student has been convicted
 7 of a crime or a record of founded child or dependent adult
 8 abuse has been entered in the abuse registry after the record
 9 checks and any evaluation have been performed, from a person
 10 other than the student and the student has not informed the
 11 program of such information within the period required under
 12 subparagraph (1), the program shall act to verify the credible
 13 information within seven calendar days of receipt of the
 14 credible information. If the information is verified, the
 15 requirements of paragraph "c" shall be applied to determine
 16 whether or not the student's involvement in a clinical
 17 education component may continue.

18 (3) The program may notify the county attorney for the
 19 county where the program is located of any violation or failure
 20 by a student to notify the program of a criminal conviction
 21 or entry of an abuse record within the period required under
 22 subparagraph (1).

23 f. If a certified nurse aide training program is conducted
 24 by a health care facility and a student of that program
 25 subsequently accepts and begins employment with the facility
 26 within thirty days of completing the program, the criminal
 27 history and abuse registry checks of the student performed
 28 pursuant to this subsection shall be deemed to fulfill the
 29 requirements for such checks prior to employment pursuant to
 30 subsection 1.

31 Sec. 180. Section 135D.2, subsections 3 and 13, Code 2023,
 32 are amended to read as follows:

33 3. "Department" means the department of ~~public~~ health and
 34 human services.

35 13. "Iowa Medicaid enterprise program" means the ~~centralized~~

1 ~~medical assistance program infrastructure, based on a business~~
2 ~~enterprise model, and designed to foster collaboration among~~
3 ~~all program stakeholders by focusing on quality, integrity, and~~
4 ~~consistency~~ as defined in section 249A.2.

5 Sec. 181. Section 135D.6, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. A single industry shall not be disproportionately
8 represented as voting members of the board. The board shall
9 include at least one member who is a consumer of health
10 services and a majority of the voting members of the board
11 shall be representative of participants in the Iowa health
12 information network. The director of ~~public~~ health and human
13 services or the director's designee and the director of the
14 ~~Iowa Medicaid enterprise program~~ or the director's designee
15 shall act as voting members of the board. The commissioner
16 of insurance shall act as an ex officio, nonvoting member of
17 the board. Individuals serving in an ex officio, nonvoting
18 capacity shall not be included in the total number of
19 individuals authorized as members of the board.

20 Sec. 182. Section 135D.6, subsection 3, paragraph f, Code
21 2023, is amended to read as follows:

22 *f.* Provide an annual budget and fiscal report for the Iowa
23 health information network to the governor, the department of
24 ~~public~~ health and human services, the department of management,
25 the chairs and ranking members of the legislative government
26 oversight standing committees, and the legislative services
27 agency. The report shall also include information about the
28 services provided through the network and information on the
29 participant usage of the network.

30 Sec. 183. Section 135G.10, Code 2023, is amended to read as
31 follows:

32 **135G.10 Rules.**

33 1. The department of inspections and appeals and the
34 department of health and human services shall collaborate
35 in establishing standards for licensing of subacute care

1 facilities to achieve all of the following objectives:

2 a. Subacute mental health services are provided based on
3 sound, proven clinical practice.

4 b. Subacute mental health services are established in a
5 manner that allows the services to be included in the federal
6 medical assistance state plan.

7 2. It is the intent of the general assembly that subacute
8 mental health services be included in the Medicaid state
9 plan adopted for the implementation of the federal Patient
10 Protection and Affordable Care Act, benchmark plan.

11 3. The department of inspections and appeals, in
12 consultation with the department of health and human services
13 and affected professional groups, shall adopt and enforce rules
14 setting out the standards for a subacute care facility and the
15 rights of the residents admitted to a subacute care facility.
16 The department of inspections and appeals and the department
17 of health and human services shall coordinate the adoption of
18 rules and the enforcement of the rules in order to prevent
19 duplication of effort by the departments and of requirements of
20 the licensee.

21 Sec. 184. Section 135G.11, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. Upon receipt of a complaint made in accordance with
24 subsection 1, the department shall make a preliminary review
25 of the complaint. Unless the department concludes that the
26 complaint is intended to harass a subacute care facility or
27 a licensee or is without reasonable basis, it shall within
28 twenty working days of receipt of the complaint make or cause
29 to be made an on-site inspection of the subacute care facility
30 which is the subject of the complaint. The department of
31 inspections and appeals may refer to the department of health
32 and human services any complaint received by the department
33 of inspections and appeals if the complaint applies to rules
34 adopted by the department of health and human services. The
35 complainant shall also be notified of the name, address, and

1 telephone number of the designated protection and advocacy
2 agency if the alleged violation involves a facility with one
3 or more residents with a developmental disability or mental
4 illness. In any case, the complainant shall be promptly
5 informed of the result of any action taken by the department
6 in the matter.

7 Sec. 185. Section 135H.4, Code 2023, is amended to read as
8 follows:

9 **135H.4 Licensure.**

10 A person shall not establish, operate, or maintain a
11 psychiatric medical institution for children unless the person
12 obtains a license for the institution under this chapter and
13 either holds a license under section 237.3, subsection 2,
14 paragraph "a", as a comprehensive residential facility for
15 children or holds a license under section 125.13, if the
16 facility provides substance ~~abuse~~ use disorder treatment.

17 Sec. 186. Section 135H.6, subsection 1, paragraph e, Code
18 2023, is amended to read as follows:

19 e. The department of health and human services has submitted
20 written approval of the application based on the department
21 of health and human services' determination of need. The
22 department of health and human services shall identify the
23 location and number of children in the state who require the
24 services of a psychiatric medical institution for children.
25 Approval of an application shall be based upon the location
26 of the proposed psychiatric institution relative to the need
27 for services identified by the department of health and human
28 services and an analysis of the applicant's ability to provide
29 services and support consistent with requirements under chapter
30 232, particularly regarding community-based treatment. If
31 the proposed psychiatric institution is not freestanding from
32 a facility licensed under chapter 135B or 135C, approval
33 under this paragraph shall not be given unless the department
34 of health and human services certifies that the proposed
35 psychiatric institution is capable of providing a resident with

1 a living environment similar to the living environment provided
2 by a licensee which is freestanding from a facility licensed
3 under chapter 135B or 135C.

4 Sec. 187. Section 135H.6, subsections 2, 3, 4, and 5, Code
5 2023, are amended to read as follows:

6 2. The department of health and human services shall
7 not give approval to an application which would cause the
8 total number of beds licensed under this chapter for services
9 reimbursed by the medical assistance program under chapter 249A
10 to exceed four hundred thirty beds.

11 3. In addition to the beds authorized under subsection
12 2, the department of health and human services may establish
13 not more than thirty beds licensed under this chapter at the
14 state mental health institute at Independence. The beds shall
15 be exempt from the certificate of need requirement under
16 subsection 1, paragraph "d".

17 4. The department of health and human services may give
18 approval to conversion of beds approved under subsection 2,
19 to beds which are specialized to provide substance ~~abuse~~
20 use disorder treatment. However, the total number of beds
21 approved under subsection 2 and this subsection shall not
22 exceed four hundred thirty. Conversion of beds under this
23 subsection shall not require a revision of the certificate
24 of need issued for the psychiatric institution making the
25 conversion. Beds for children who do not reside in this state
26 and whose service costs are not paid by public funds in this
27 state are not subject to the limitations on the number of beds
28 and certificate of need requirements otherwise applicable under
29 this section.

30 5. A psychiatric institution licensed prior to July 1, 1999,
31 may exceed the number of beds authorized under subsection 2
32 if the excess beds are used to provide services funded from a
33 source other than the medical assistance program under chapter
34 249A. Notwithstanding subsection 1, paragraphs "d" and "e",
35 and subsection 2, the provision of services using those excess

1 beds does not require a certificate of need or a review by the
2 department of health and human services.

3 Sec. 188. Section 135H.7, Code 2023, is amended to read as
4 follows:

5 **135H.7 Personnel.**

6 1. A person shall not be allowed to provide services in a
7 psychiatric institution if the person has a disease which is
8 transmissible to other persons through required contact in the
9 workplace, which presents a significant risk of infecting other
10 persons, which presents a substantial possibility of harming
11 other persons, or for which no reasonable accommodation can
12 eliminate the risk of infecting other persons.

13 2. a. If a person is being considered for licensure under
14 this chapter, or for employment involving direct responsibility
15 for a child or with access to a child when the child is alone,
16 by a licensed psychiatric institution, or if a person will
17 reside in a facility utilized by a licensee, and if the person
18 has been convicted of a crime or has a record of founded child
19 abuse, the ~~department of human services~~ record check evaluation
20 system and the licensee, for an employee of the licensee, shall
21 perform an evaluation to determine whether the crime or founded
22 child abuse warrants prohibition of licensure, employment, or
23 residence in the facility. The record check evaluation system
24 of the department of health and human services shall conduct
25 criminal and child abuse record checks in this state and may
26 conduct these checks in other states. The evaluation shall
27 be performed in accordance with procedures adopted for this
28 purpose by the department of health and human services.

29 b. If the ~~department of human services~~ record check
30 evaluation system determines that a person has committed a
31 crime or has a record of founded child abuse and is licensed,
32 employed by a psychiatric institution licensed under this
33 chapter, or resides in a licensed facility, the ~~department~~
34 record check evaluation system shall notify the program
35 that an evaluation will be conducted to determine whether

1 prohibition of the person's licensure, employment, or residence
2 is warranted.

3 c. In an evaluation, the ~~department of human services~~
4 record check evaluation system and the licensee for an employee
5 of the licensee shall consider the nature and seriousness of
6 the crime or founded child abuse in relation to the position
7 sought or held, the time elapsed since the commission of the
8 crime or founded child abuse, the circumstances under which
9 the crime or founded child abuse was committed, the degree of
10 rehabilitation, the likelihood that the person will commit the
11 crime or founded child abuse again, and the number of crimes
12 or founded child abuses committed by the person involved.
13 The ~~department~~ record check evaluation system may permit a
14 person who is evaluated to be licensed, employed, or to reside,
15 or to continue to be licensed, employed, or to reside in a
16 licensed facility, if the person complies with the ~~department's~~
17 record check evaluation system's conditions relating to the
18 person's licensure, employment, or residence, which may include
19 completion of additional training. For an employee of a
20 licensee, these conditional requirements shall be developed
21 with the licensee. The ~~department of human services record~~
22 check evaluation system has final authority in determining
23 whether prohibition of the person's licensure, employment,
24 or residence is warranted and in developing any conditional
25 requirements under this paragraph.

26 3. If the ~~department of human services~~ record check
27 evaluation system determines that the person has committed a
28 crime or has a record of founded child abuse which warrants
29 prohibition of licensure, employment, or residence, the
30 person shall not be licensed under this chapter to operate
31 a psychiatric institution and shall not be employed by a
32 psychiatric institution or reside in a facility licensed under
33 this chapter.

34 4. In addition to the record checks required under
35 subsection 2, the ~~department of human services~~ record check

1 evaluation system may conduct dependent adult abuse record
2 checks in this state and may conduct these checks in other
3 states, on a random basis. The provisions of subsections 2 and
4 3, relative to an evaluation following a determination that a
5 person has been convicted of a crime or has a record of founded
6 child abuse, shall also apply to a random dependent adult abuse
7 record check conducted under this subsection.

8 5. ~~Beginning July 1, 1994, a~~ A licensee shall inform all new
9 applicants for employment of the possibility of the performance
10 of a record check and shall obtain, from the applicant, a
11 signed acknowledgment of the receipt of the information.

12 6. ~~On or after July 1, 1994, a~~ A licensee shall include the
13 following inquiry in an application for employment:

14 Do you have a record of founded child or dependent adult abuse
15 or have you ever been convicted of a crime, in this state or any
16 other state?

17 Sec. 189. Section 135H.10, Code 2023, is amended to read as
18 follows:

19 **135H.10 Rules.**

20 1. The department of inspections and appeals, in
21 consultation with the department of health and human services
22 and affected professional groups, shall adopt and enforce rules
23 setting out the standards for a psychiatric medical institution
24 for children and the rights of the residents admitted to
25 a psychiatric institution. The department of inspections
26 and appeals and the department of health and human services
27 shall coordinate the adoption of rules and the enforcement of
28 the rules in order to prevent duplication of effort by the
29 departments and of requirements of the licensee.

30 2. This chapter shall not be construed as prohibiting the
31 use of funds appropriated for foster care to provide payment
32 to a psychiatric medical institution for children for the
33 financial participation required of a child whose foster care
34 placement is in a psychiatric medical institution for children.
35 In accordance with established policies and procedures for

1 foster care, the department of health and human services shall
 2 act to recover any such payment for financial participation,
 3 apply to be named payee for the child's unearned income, and
 4 recommend parental liability for the costs of a court-ordered
 5 foster care placement in a psychiatric medical institution.

6 Sec. 190. Section 135H.12, subsection 1, Code 2023, is
 7 amended to read as follows:

8 1. Upon receipt of a complaint made in accordance with
 9 section 135H.11, the department shall make a preliminary review
 10 of the complaint. Unless the department concludes that the
 11 complaint is intended to harass a psychiatric institution or
 12 a licensee or is without reasonable basis, it shall within
 13 twenty working days of receipt of the complaint make or cause
 14 to be made an on-site inspection of the psychiatric institution
 15 which is the subject of the complaint. The department of
 16 inspections and appeals may refer to the department of health
 17 and human services any complaint received by the department
 18 if the complaint applies to rules adopted by the department
 19 of health and human services. The complainant shall also
 20 be notified of the name, address, and telephone number of
 21 the designated protection and advocacy agency if the alleged
 22 violation involves a facility with one or more residents with
 23 developmental disabilities or mental illness. In any case, the
 24 complainant shall be promptly informed of the result of any
 25 action taken by the department in the matter.

26 Sec. 191. Section 135J.7, Code 2023, is amended to read as
 27 follows:

28 **135J.7 Rules.**

29 Except as otherwise provided in this chapter, the department
 30 shall adopt rules pursuant to chapter 17A necessary to
 31 implement this chapter, subject to approval of the ~~state board~~
 32 ~~of~~ council on health and human services. Formulation of the
 33 rules shall include consultation with Iowa hospice organization
 34 representatives and other persons affected by this chapter.

35 Sec. 192. Section 135L.1, subsection 3, Code 2023, is

1 amended to read as follows:

2 3. "*Child-placing agency*" means any agency, public,
3 semipublic, or private, which represents itself as placing
4 children, receiving children for placement, or actually
5 engaging in placement of children and includes the department
6 of health and human services.

7 Sec. 193. Section 135L.2, subsection 1, paragraph b,
8 subparagraph (1), Code 2023, is amended to read as follows:

9 (1) Information regarding the options described in the
10 video including information regarding the agencies and programs
11 available to provide assistance to the pregnant minor in
12 parenting a child; information relating to adoption including
13 but not limited to information regarding child-placing
14 agencies; and information regarding abortion including but not
15 limited to the legal requirements relative to the performance
16 of an abortion on a pregnant minor. The information provided
17 shall include information explaining that if a pregnant
18 minor decides to continue the pregnancy to term and to retain
19 parental rights, the father of the child is liable for the
20 support of the child and that if the pregnant minor seeks
21 public assistance on behalf of the child, the pregnant minor
22 shall, and if the pregnant minor is not otherwise eligible as
23 a public assistance recipient, the pregnant minor may, seek
24 the assistance of ~~the child support recovery unit~~ services in
25 establishing the paternity of the child, and in seeking support
26 payments for a reasonable amount of the costs associated with
27 the pregnancy, medical support, and maintenance from the father
28 of the child, or if the father is a minor, from the parents of
29 the minor father. The information shall include a listing of
30 the agencies and programs and the services available from each.

31 Sec. 194. Section 135L.2, subsection 2, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The video shall be available through the state and local
34 offices of the ~~Iowa department of public health, the department~~
35 of health and human services, and the judicial branch and

1 through the office of each licensed physician who performs
2 abortions.

3 Sec. 195. Section 135L.3, subsection 3, paragraph m,
4 subparagraph (4), Code 2023, is amended to read as follows:

5 (4) The pregnant minor declares that the pregnant minor
6 is a victim of child abuse pursuant to section 232.68, the
7 person responsible for the care of the child is a parent of
8 the child, and either the abuse has been reported pursuant to
9 the procedures prescribed in chapter 232, subchapter III, part
10 2, or a parent of the child is named in a report of founded
11 child abuse. The department of health and human services
12 shall maintain confidentiality under chapter 232 and shall not
13 release any information in response to a request for public
14 records, discovery procedures, subpoena, or any other means,
15 unless the release of information is expressly authorized by
16 the pregnant minor regarding the pregnant minor's pregnancy and
17 abortion, if the abortion is obtained. A person who knowingly
18 violates the confidentiality provisions of this subparagraph is
19 guilty of a serious misdemeanor.

20 Sec. 196. Section 135L.8, Code 2023, is amended to read as
21 follows:

22 **135L.8 Adoption of rules — implementation and documents.**

23 The ~~Iowa~~ department of ~~public health~~ and human services
24 shall adopt rules to implement the notification procedures
25 pursuant to this chapter including but not limited to rules
26 regarding the documents necessary for notification of a parent
27 or grandparent of a pregnant minor who is designated to receive
28 notification under this chapter.

29 Sec. 197. Section 135M.2, subsection 4, Code 2023, is
30 amended to read as follows:

31 4. "*Department*" means the ~~Iowa~~ department of ~~public health~~
32 and human services.

33 Sec. 198. Section 136A.1, Code 2023, is amended to read as
34 follows:

35 **136A.1 Purpose.**

1 To reduce and avoid adverse health conditions of inhabitants
2 of the state, the ~~Iowa department of public health~~ shall
3 initiate, conduct, and supervise screening and health care
4 programs in order to detect and predict congenital or inherited
5 disorders. The department shall assist in the translation and
6 integration of genetic and genomic advances into public health
7 services to improve health outcomes throughout the life span of
8 the inhabitants of the state.

9 Sec. 199. Section 136A.2, subsection 4, Code 2023, is
10 amended to read as follows:

11 4. "~~Department~~" means the ~~Iowa department of public health~~
12 and human services.

13 Sec. 200. Section 136A.3, Code 2023, is amended to read as
14 follows:

15 ~~136A.3 Establishment of center for congenital~~ Congenital and
16 inherited disorders — department duties.

17 ~~A center for congenital and inherited disorders is~~
18 ~~established within the department.~~ The center department shall
19 do all of the following:

20 1. Initiate, conduct, and supervise statewide screening
21 programs for congenital and inherited disorders amenable to
22 population screening.

23 2. Initiate, conduct, and supervise statewide health care
24 programs to aid in the early detection, treatment, prevention,
25 education, and provision of supportive care related to
26 congenital and inherited disorders.

27 3. Develop specifications for and designate a central
28 laboratory in which tests conducted pursuant to the screening
29 programs provided for in subsection 1 will be performed.

30 4. Gather, evaluate, and maintain information related
31 to causes, severity, prevention, and methods of treatment
32 for congenital and inherited disorders in conjunction with
33 a central registry, screening programs, genetic health care
34 programs, and ongoing scientific investigations and surveys.

35 5. Perform surveillance and monitoring of congenital and

1 inherited disorders to determine the occurrence and trends of
2 the disorders, to conduct thorough and complete epidemiological
3 surveys, to assist in the planning for and provision of
4 services to children with congenital and inherited disorders
5 and their families, and to identify environmental and genetic
6 risk factors for congenital and inherited disorders.

7 6. Provide information related to severity, causes,
8 prevention, and methods of treatment for congenital and
9 inherited disorders to the public, medical and scientific
10 communities, and health science disciplines.

11 7. Implement public education programs, continuing
12 education programs for health practitioners, and education
13 programs for trainees of the health science disciplines related
14 to genetics, congenital disorders, and inheritable disorders.

15 8. Participate in policy development to assure the
16 appropriate use and confidentiality of genetic information and
17 technologies to improve health and prevent disease.

18 9. Collaborate with state and local health agencies and
19 other public and private organizations to provide education,
20 intervention, and treatment for congenital and inherited
21 disorders and to integrate genetics and genomics advances into
22 public health activities and policies.

23 Sec. 201. Section 136A.3A, subsections 1 and 3, Code 2023,
24 are amended to read as follows:

25 1. A congenital and inherited disorders advisory committee
26 is established to assist the ~~center for congenital and~~
27 ~~inherited disorders and the~~ department in the development of
28 programs that ensure the availability and access to quality
29 genetic and genomic health care services for all Iowans.

30 3. The advisory committee shall assist the ~~center for~~
31 ~~congenital and inherited disorders and the~~ department in
32 designating the conditions to be included in the newborn
33 screening and in regularly evaluating the effectiveness and
34 appropriateness of the newborn screening.

35 Sec. 202. Section 136A.4, Code 2023, is amended to read as

1 follows:

2 **136A.4 Genetic health services.**

3 The ~~center~~ department may initiate, conduct, and supervise
4 genetic health services for the inhabitants of the state,
5 including the provision of regional genetic consultation
6 clinics, comprehensive neuromuscular health care outreach
7 clinics, and other outreach services and clinics as established
8 by rule.

9 Sec. 203. Section 136A.5B, subsection 1, unnumbered
10 paragraph 1, Code 2023, is amended to read as follows:

11 In accordance with the duties prescribed in section 136A.3,
12 the ~~center for congenital and inherited disorders~~ department
13 shall collaborate with state and local health agencies
14 and other public and private organizations to develop and
15 publish or approve and publish informational materials to
16 educate and raise awareness of cytomegalovirus and congenital
17 cytomegalovirus among women who may become pregnant, expectant
18 parents, parents of infants, attending health care providers,
19 and others, as appropriate. The materials shall include
20 information regarding all of the following:

21 Sec. 204. Section 136A.5B, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. An attending health care provider shall provide to a
24 pregnant woman during the first trimester of the pregnancy the
25 informational materials published under this section. The
26 ~~center for congenital and inherited disorders~~ department shall
27 make the informational materials available to attending health
28 care providers upon request.

29 Sec. 205. Section 136A.6, Code 2023, is amended to read as
30 follows:

31 **136A.6 Central registry.**

32 The ~~center for congenital and inherited disorders~~ department
33 shall maintain a central registry, or shall establish an
34 agreement with a designated contractor to maintain a central
35 registry, to compile, evaluate, retain, and disseminate

1 information on the occurrence, prevalence, causes, treatment,
2 and prevention of congenital disorders. Congenital disorders
3 shall be considered reportable conditions in accordance with
4 rules adopted by the department and shall be abstracted and
5 maintained by the registry.

6 Sec. 206. Section 136A.7, Code 2023, is amended to read as
7 follows:

8 **136A.7 Confidentiality.**

9 ~~The center for congenital and inherited disorders and~~
10 ~~the~~ department shall maintain the confidentiality of any
11 identifying information collected, used, or maintained pursuant
12 to this chapter in accordance with section 22.7, subsection 2.

13 Sec. 207. Section 136A.8, Code 2023, is amended to read as
14 follows:

15 **136A.8 Rules.**

16 ~~The center for congenital and inherited disorders, with~~
17 ~~assistance provided by the Iowa department of public health,~~
18 shall adopt rules pursuant to chapter 17A to administer this
19 chapter.

20 Sec. 208. Section 136B.1, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. As used in this chapter, unless the context otherwise
23 requires, "*department*" means the Iowa department of public
24 health and human services.

25 Sec. 209. Section 136C.1, subsections 2 and 3, Code 2023,
26 are amended to read as follows:

27 2. "*Department*" means the Iowa department of public health
28 and human services.

29 3. "*Director*" means the director of public health and human
30 services or the director's designee.

31 Sec. 210. Section 136C.3, subsection 2, Code 2023, is
32 amended to read as follows:

33 2. Establish minimum training standards including
34 continuing education requirements, and administer examinations
35 and disciplinary procedures for operators of radiation machines

1 and users of radioactive materials. A state of Iowa license
 2 to practice medicine, osteopathic medicine, chiropractic,
 3 podiatry, dentistry, dental hygiene, or veterinary medicine, or
 4 licensure as a physician assistant pursuant to chapter 148C, or
 5 certification by the dental board in dental radiography, or by
 6 the board of podiatry in podiatric radiography, or enrollment
 7 in a program or course of study approved by the Iowa department
 8 of ~~public health~~ which includes the application of radiation to
 9 humans satisfies the minimum training standards for operation
 10 of radiation machines only.

11 Sec. 211. Section 137.102, Code 2023, is amended to read as
 12 follows:

13 **137.102 Definitions.**

14 As used in this chapter unless the context otherwise
 15 requires:

16 1. "*City board*" means a city board of health in existence
 17 prior to July 1, 2010.

18 2. "*City health department*" refers to the personnel and
 19 property under the jurisdiction of a city board in existence
 20 prior to July 1, 2010.

21 3. "*Council*" means ~~a city~~ the council on health and human
 22 services.

23 4. "*County board*" means a county board of health.

24 5. "*County health department*" refers to the personnel and
 25 property under the jurisdiction of a county board.

26 6. "*Director*" means the director of ~~public health~~ and human
 27 services.

28 7. "*District*" means any two or more geographically
 29 contiguous counties.

30 8. "*District board*" means a board of health representing
 31 at least two geographically contiguous counties formed with
 32 approval of the state department in accordance with this
 33 chapter, or any district board of health in existence prior to
 34 July 1, 2010.

35 9. "*District health department*" refers to the personnel and

1 property under the jurisdiction of a district board.

2 10. "*Local board of health*" means a city, county, or
3 district board of health.

4 11. "*Officers*" means a local board of health chairperson,
5 vice chairperson, and secretary, and other officers which may
6 be named at the discretion of the local board of health.

7 ~~12. "*State board*" means the state board of health.~~

8 ~~13.~~ 12. "*State department*" or "*department*" means the Iowa
9 department of ~~public~~ health and human services.

10 Sec. 212. Section 137.104, subsection 1, paragraph b,
11 unnumbered paragraph 1, Code 2023, is amended to read as
12 follows:

13 Make and enforce such reasonable rules and regulations not
14 inconsistent with law and the rules of the ~~state board~~ council
15 as may be necessary for the protection and improvement of the
16 public health.

17 Sec. 213. Section 137.104, subsection 1, paragraph b,
18 subparagraph (1), Code 2023, is amended to read as follows:

19 (1) Rules of a city board shall become effective upon
20 approval by the city council and publication in a newspaper
21 having general circulation in the city.

22 Sec. 214. Section 137.104, subsection 2, paragraph d, Code
23 2023, is amended to read as follows:

24 d. By written agreement with the city council of any city
25 within its jurisdiction, enforce appropriate ordinances of the
26 city relating to public health.

27 Sec. 215. Section 137.105, subsection 1, paragraphs a and f,
28 Code 2023, are amended to read as follows:

29 a. All members of a city board shall be appointed by the
30 city council.

31 f. A local board of health member shall serve without
32 compensation, but may be reimbursed for necessary expenses in
33 accordance with rules established by the ~~state board~~ council
34 or the applicable jurisdiction.

35 Sec. 216. Section 137.107, Code 2023, is amended to read as

1 follows:

2 **137.107 Request reviewed by state department.**

3 The state department shall review requests submitted
4 pursuant to section 137.106. The state department, upon
5 finding that all required elements are present, shall present
6 findings to the ~~state board~~ council. The ~~state board~~ council
7 may approve the formation of a district board and if the
8 formation is approved, shall notify the county boards from whom
9 the request was received.

10 Sec. 217. Section 137.114, Code 2023, is amended to read as
11 follows:

12 **137.114 Withdrawal from district.**

13 A county may withdraw from an existing district board upon
14 submission of a request for withdrawal to and approval by
15 the state department. The request shall include a plan to
16 reform its county board or join a different district board,
17 information specified in section 137.106, and approval of the
18 request by the district board and, at the recommendation of
19 the state department, the ~~state board~~ council. Any county
20 choosing to withdraw from the district board shall commit to
21 the continuity of services in its county by reestablishing
22 its county board or joining a different district board. The
23 remaining counties in the district shall submit an application
24 including the information specified in section 137.106 to the
25 state department for review as provided in section 137.107.

26 Sec. 218. Section 137.119, Code 2023, is amended to read as
27 follows:

28 **137.119 Adoption of rules.**

29 The ~~state board of health~~ council shall adopt rules to
30 implement this chapter. The department is vested with
31 discretionary authority to interpret the provisions of this
32 chapter.

33 Sec. 219. Section 137F.1, subsection 9, unnumbered
34 paragraph 1, Code 2023, is amended to read as follows:

35 *"Food establishment"* means an operation that stores,

1 prepares, packages, serves, vends, or otherwise provides food
 2 for human consumption and includes a food service operation in
 3 a salvage or distressed food operation, school, summer camp,
 4 residential service substance ~~abuse~~ use disorder treatment
 5 facility, halfway house substance ~~abuse~~ use disorder treatment
 6 facility, correctional facility operated by the department of
 7 corrections, or the state training school. "*Food establishment*"
 8 does not include the following:

9 Sec. 220. Section 139A.2, Code 2023, is amended to read as
 10 follows:

11 **139A.2 Definitions.**

12 For purposes of this chapter, unless the context otherwise
 13 requires:

14 1. "*Area quarantine*" means prohibiting ingress and egress
 15 to and from a building or buildings, structure or structures,
 16 or other definable physical location, or portion thereof, to
 17 prevent or contain the spread of a suspected or confirmed
 18 quarantinable disease or to prevent or contain exposure to a
 19 suspected or known chemical, biological, radioactive, or other
 20 hazardous or toxic agent.

21 2. "*Business*" means and includes every trade, occupation,
 22 or profession.

23 3. "*Care provider*" means an individual who is trained
 24 and authorized by federal or state law to provide health
 25 care services or services of any kind in the course of the
 26 individual's official duties, for compensation or in a
 27 voluntary capacity, who is a health care provider, emergency
 28 medical care provider as defined in section 147A.1, fire
 29 fighter, or peace officer. "*Care provider*" also means an
 30 individual who renders emergency care or assistance in an
 31 emergency or due to an accident as described in section 613.17.

32 4. "*Communicable disease*" means any disease spread from
 33 person to person or animal to person.

34 5. "*Contagious or infectious disease*" means hepatitis in
 35 any form, meningococcal disease, AIDS or HIV as defined in

1 section 141A.1, tuberculosis, and any other disease determined
 2 to be life-threatening to a person exposed to the disease as
 3 established by rules adopted by the department, based upon a
 4 determination by the state epidemiologist and in accordance
 5 with guidelines of the centers for disease control and
 6 prevention of the United States department of health and human
 7 services.

8 6. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
 9 and human services.

10 7. "*Designated officer*" means a person who is designated by
 11 a department, agency, division, or service organization to act
 12 as an infection control liaison officer.

13 8. "*Director*" means the director of health and human
 14 services.

15 ~~8.~~ 9. "*Exposure*" means a specific eye, mouth, other mucous
 16 membrane, nonintact skin, or parenteral contact with blood or
 17 other potentially infectious bodily fluids.

18 ~~9.~~ 10. "*Exposure-prone procedure*" means a procedure
 19 performed by a health care provider which presents a recognized
 20 risk of percutaneous injury to the health care provider and
 21 if such an injury occurs, the health care provider's blood
 22 is likely to contact a patient's body cavity, subcutaneous
 23 tissues, or mucous membranes, or an exposure-prone procedure as
 24 defined by the centers for disease control and prevention of
 25 the United States department of health and human services.

26 ~~10.~~ 11. "*HBV*" means hepatitis B virus.

27 ~~11.~~ 12. "*Health care facility*" means a health care facility
 28 as defined in section 135C.1, an ambulatory surgical center,
 29 or a clinic.

30 ~~12.~~ 13. "*Health care provider*" means a person licensed
 31 to practice medicine and surgery, osteopathic medicine
 32 and surgery, chiropractic, podiatry, nursing, dentistry,
 33 optometry, or as a physician assistant, dental hygienist, or
 34 acupuncturist.

35 ~~13.~~ 14. "*HIV*" means HIV as defined in section 141A.1.

1 ~~14.~~ 15. "*Hospital*" means hospital as defined in section
2 135B.1.

3 ~~15.~~ 16. "*Isolation*" means the separation of persons or
4 animals presumably or actually infected with a communicable
5 disease or who are disease carriers for the usual period of
6 communicability of that disease in such places, marked by
7 placards if necessary, and under such conditions as will
8 prevent the direct or indirect conveyance of the infectious
9 agent or contagion to susceptible persons.

10 ~~16.~~ 17. "*Local board*" means the local board of health.

11 ~~17.~~ 18. "*Local department*" means the local health
12 department.

13 ~~18.~~ 19. "*Placard*" means a warning sign to be erected and
14 displayed on the periphery of a quarantine area, forbidding
15 entry to or exit from the area.

16 ~~19.~~ 20. "*Public health disaster*" means public health
17 disaster as defined in section 135.140.

18 ~~20.~~ 21. "*Quarantinable disease*" means any communicable
19 disease designated by rule adopted by the department as
20 requiring quarantine or isolation to prevent its spread.

21 ~~21.~~ 22. "*Quarantine*" means the limitation of freedom
22 of movement of persons or animals that have been exposed to
23 a quarantinable disease within specified limits marked by
24 placards for a period of time equal to the longest usual
25 incubation period of the disease in such manner as to prevent
26 the spread of a quarantinable disease which affects people.

27 ~~22.~~ 23. "*Reportable disease*" means any disease designated
28 by rule adopted by the department requiring its occurrence to
29 be reported to an appropriate authority.

30 ~~23.~~ 24. "*Sexually transmitted disease or infection*"
31 means a disease or infection as identified by rules adopted
32 by the department, based upon a determination by the state
33 epidemiologist and in accordance with guidelines of the
34 centers for disease control and prevention of the United States
35 department of health and human services.

1 ~~24.~~ 25. "*Significant exposure*" means a situation in which
 2 there is a risk of contracting disease through exposure to
 3 a person's infectious bodily fluids in a manner capable of
 4 transmitting an infectious agent as determined by the centers
 5 for disease control and prevention of the United States
 6 department of health and human services and adopted by rule of
 7 the department.

8 ~~25.~~ 26. "*Terminal cleaning*" means cleaning procedures
 9 defined in the isolation guidelines issued by the centers for
 10 disease control and prevention of the United States department
 11 of health and human services.

12 Sec. 221. Section 139A.3, subsection 3, paragraph c, Code
 13 2023, is amended to read as follows:

14 c. Notwithstanding paragraph "b", information contained in
 15 the report may be reported in public health records in a manner
 16 which prevents the identification of any person or business
 17 named in the report. If information contained in the report
 18 concerns a business, information disclosing the identity of
 19 the business may be released to the public when the state
 20 epidemiologist or the director of ~~public health~~ determines such
 21 a release of information necessary for the protection of the
 22 health of the public.

23 Sec. 222. Section 139A.8, subsection 3, Code 2023, is
 24 amended to read as follows:

25 3. Subject to the provision of subsection 4, the ~~state board~~
 26 ~~of~~ council on health and human services may modify or delete
 27 any of the immunizations in subsection 2.

28 Sec. 223. Section 139A.8, subsection 4, paragraph b, Code
 29 2023, is amended to read as follows:

30 b. The exemptions under this subsection do not apply in
 31 times of emergency or epidemic as determined by the ~~state board~~
 32 ~~of~~ council on health and human services and as declared by the
 33 director of ~~public health and human services~~.

34 Sec. 224. Section 139A.9, Code 2023, is amended to read as
 35 follows:

1 **139A.9 Forcible removal — isolation — quarantine.**

2 The forcible removal and isolation or quarantine of any
3 infected person shall be accomplished according to the rules
4 and regulations of the local board or the rules of the ~~state~~
5 ~~board of council on health and human services~~.

6 Sec. 225. Section 141A.1, subsection 6, Code 2023, is
7 amended to read as follows:

8 6. “*Department*” means the ~~Iowa~~ department of ~~public~~ health
9 and human services.

10 Sec. 226. Section 141A.2, subsection 6, Code 2023, is
11 amended to read as follows:

12 6. The department, with the approval of the ~~state~~
13 ~~board of council on health and human services~~, may conduct
14 epidemiological blinded and nonblinded studies to determine
15 the incidence and prevalence of HIV infection. Initiation
16 of any new epidemiological studies shall be contingent upon
17 the receipt of funding sufficient to cover all the costs
18 associated with the studies. The informed consent, reporting,
19 and counseling requirements of this chapter shall not apply to
20 blinded studies.

21 Sec. 227. Section 141A.4, subsection 1, paragraph c, Code
22 2023, is amended to read as follows:

23 c. All persons having a history of injecting drug ~~abuse~~ use
24 disorder.

25 Sec. 228. Section 141A.9, subsection 2, paragraph j, Code
26 2023, is amended to read as follows:

27 j. To employees of state correctional institutions subject
28 to the jurisdiction of the department of corrections, employees
29 of secure facilities for juveniles subject to the department
30 of health and human services, and employees of city and county
31 jails, if the employees have direct supervision over inmates of
32 those facilities or institutions in the exercise of the duties
33 prescribed pursuant to section 80.9B.

34 Sec. 229. Section 142.1, Code 2023, is amended to read as
35 follows:

1 **142.1 Delivery of bodies.**

2 The body of every person dying in a public asylum, hospital,
3 county care facility, penitentiary, or reformatory in this
4 state, or found dead within the state, or which is to be buried
5 at public expense in this state, except those buried under the
6 provisions of chapter 144C or 249, and which is suitable for
7 scientific purposes, shall be delivered to the medical college
8 of the state university, or some osteopathic or chiropractic
9 college or school located in this state, which has been
10 approved under the law regulating the practice of osteopathic
11 medicine or chiropractic; but no such body shall be delivered
12 to any such college or school if the deceased person expressed
13 a desire during the person's last illness that the person's
14 body should be buried or cremated, nor if such is the desire
15 of the person's relatives. Such bodies shall be equitably
16 distributed among said colleges and schools according to their
17 needs for teaching anatomy in accordance with such rules as
18 may be adopted by the ~~Iowa~~ department of ~~public~~ health and
19 human services. The expense of transporting said bodies to
20 such college or school shall be paid by the college or school
21 receiving the same. If the deceased person has not expressed
22 a desire during the person's last illness that the person's
23 body should be buried or cremated and no person authorized to
24 control the deceased person's remains under section 144C.5
25 requests the person's body for burial or cremation, and if a
26 friend objects to the use of the deceased person's body for
27 scientific purposes, said deceased person's body shall be
28 forthwith delivered to such friend for burial or cremation at
29 no expense to the state or county. Unless such friend provides
30 for burial and burial expenses within five days, the body shall
31 be used for scientific purposes under this chapter.

32 Sec. 230. Section 142.2, Code 2023, is amended to read as
33 follows:

34 **142.2 Furnished to physicians.**

35 When there are more dead bodies available for use under

1 section 142.1 than are desired by said colleges or schools, the
2 same may be delivered to physicians in the state for scientific
3 study under such rules as may be adopted by the ~~Iowa~~ department
4 of ~~public~~ health and human services.

5 Sec. 231. Section 142.3, Code 2023, is amended to read as
6 follows:

7 **142.3 Notification of department.**

8 Every county medical examiner, funeral director or embalmer,
9 and the managing officer of every public asylum, hospital,
10 county care facility, penitentiary, or reformatory, as soon
11 as any dead body shall come into the person's custody which
12 may be used for scientific purposes as provided in sections
13 142.1 and 142.2, shall at once notify the nearest relative
14 or friend of the deceased, if known, and the ~~Iowa~~ department
15 of ~~public~~ health and human services, and hold such body
16 unburied for forty-eight hours. Upon receipt of notification,
17 the department shall issue verbal or written instructions
18 relative to the disposition to be made of said body. Complete
19 jurisdiction over said bodies is vested exclusively in the ~~Iowa~~
20 department of ~~public~~ health and human services. No autopsy or
21 post mortem, except as are legally ordered by county medical
22 examiners, shall be performed on any of said bodies prior to
23 their delivery to the medical schools.

24 Sec. 232. Section 142.9, Code 2023, is amended to read as
25 follows:

26 **142.9 Failure to deliver dead body.**

27 Any person having the custody of the dead body of any human
28 being which is required to be delivered for scientific purposes
29 by this chapter, who shall fail to notify the ~~Iowa~~ department
30 of ~~public~~ health and human services of the existence of such
31 body, or fail to deliver the same in accordance with the
32 instructions of the department, shall be guilty of a simple
33 misdemeanor.

34 Sec. 233. Section 142A.2, Code 2023, is amended to read as
35 follows:

1 **142A.2 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 ~~1. "Administrator" means the administrator of the division~~
5 ~~of tobacco use prevention and control.~~

6 ~~2.~~ 1. "Commission" means the commission on tobacco use
7 prevention and control established in this chapter.

8 ~~3.~~ 2. "Community partnership" means a public agency or
9 nonprofit organization implementing the tobacco use prevention
10 and control initiative in a local area in accordance with this
11 chapter.

12 ~~4.~~ 3. "Department" means the Iowa department of public
13 health and human services.

14 ~~5.~~ 4. "Director" means the director of public health and
15 human services.

16 ~~6. "Division" means the division of tobacco use prevention~~
17 ~~and control of the Iowa department of public health,~~
18 ~~established pursuant to this chapter.~~

19 ~~7.~~ 5. "Initiative" means the comprehensive tobacco use
20 prevention and control initiative established in this chapter.

21 ~~8.~~ 6. "Manufacturer" means manufacturer as defined in
22 section 453A.1.

23 ~~9.~~ 7. "Pregnant woman" means a female of any age who is
24 pregnant.

25 ~~10.~~ 8. "School-age youth" means a person attending school
26 in kindergarten through grade twelve.

27 ~~11.~~ 9. "Tobacco" means both cigarettes and tobacco products
28 as defined in section 453A.1.

29 ~~12.~~ 10. "Youth" means a person who is five through
30 twenty-four years of age.

31 Sec. 234. Section 142A.3, Code 2023, is amended to read as
32 follows:

33 **142A.3 Tobacco use prevention and control — division —**
34 **commission — created.**

35 1. The department shall establish, as a separate and

1 ~~distinct division within the department, a division of tobacco~~
2 ~~use prevention and control. The division~~ shall develop,
3 implement, and administer the initiative established in this
4 chapter and shall perform other duties as directed by this
5 chapter or as assigned by the director ~~of public health.~~

6 2. A commission on tobacco use prevention and control
7 is established to develop policy, provide direction for
8 the initiative, and perform all other duties related to
9 the initiative and other tobacco use prevention and control
10 activities as directed by this chapter or referred to the
11 commission by the director ~~of public health.~~

12 3. The membership of the commission shall include the
13 following voting members who shall serve three-year, staggered
14 terms:

15 a. Members, at least one of whom is a member of a racial
16 minority, to be appointed by the governor, subject to
17 confirmation by the senate pursuant to sections 2.32 and 69.19,
18 and consisting of the following:

19 (1) Three members who are active with nonprofit health
20 organizations that emphasize tobacco use prevention or who are
21 active as health services providers, at the local level.

22 (2) Three members who are active with health promotion
23 activities at the local level in youth education, nonprofit
24 services, or other activities relating to tobacco use
25 prevention and control.

26 b. Three voting members, to be selected by the participants
27 in the annual statewide youth summit of the initiative's youth
28 program, who shall not be subject to section 69.16 or 69.16A.
29 However, the selection process shall provide for diversity
30 among the members and at least one of the youth members shall
31 be a female.

32 4. The commission shall also include the following ex
33 officio, nonvoting members:

34 a. Four members of the general assembly, with not more than
35 one member from each chamber being from the same political

1 party. The majority leader of the senate and the minority
2 leader of the senate shall each appoint one of the senate
3 members. The majority leader of the house of representatives
4 and the minority leader of the house of representatives shall
5 each appoint one of the house members.

6 *b.* The presiding officer of the statewide youth executive
7 body, selected by the delegates to the statewide youth summit.

8 5. In addition to the members of the commission, the
9 following agencies, organizations, and persons shall each
10 assign a single liaison to the commission to provide assistance
11 to the commission in the discharge of the commission's duties:

12 *a.* The department of education.

13 *b.* The drug policy ~~coordinator~~ director.

14 *c.* The department of justice, office of the attorney
15 general.

16 ~~*d.* The department of human services.~~

17 6. Citizen members shall be reimbursed for actual and
18 necessary expenses incurred in performance of their duties.
19 Citizen members shall be paid a per diem as specified in
20 section 7E.6. Legislative members are eligible for per diem
21 and expenses as provided in section 2.10.

22 7. A member of the commission who is convicted of a crime
23 relating to tobacco, alcohol, or controlled substances is
24 subject to removal from the commission.

25 8. A vacancy on the commission other than for the youth
26 members shall be filled in the same manner as the original
27 appointment for the balance of the unexpired term. A youth
28 member vacancy shall be filled by the presiding officer of the
29 statewide executive body as selected by the delegates to the
30 statewide youth summit.

31 9. The commission shall elect a chairperson from among its
32 voting members and may select other officers from among its
33 voting members, as determined necessary by the commission.
34 The commission shall meet regularly as determined by the
35 commission, upon the call of the chairperson, or upon the call

1 of a majority of the voting members.

2 10. The commission may designate an advisory council. The
3 commission shall determine the membership and representation
4 of the advisory council and members of the council shall serve
5 at the pleasure of the commission. The advisory council may
6 include representatives of health care provider groups, parent
7 groups, antitobacco advocacy programs and organizations,
8 research and evaluation experts, and youth organizers.

9 Sec. 235. Section 142A.4, Code 2023, is amended to read as
10 follows:

11 **142A.4 Commission duties.**

12 The commission shall do all of the following:

13 1. Develop and implement the comprehensive tobacco use
14 prevention and control initiative as provided in this chapter.

15 2. Provide a forum for the discussion, development, and
16 recommendation of public policy alternatives in the field of
17 tobacco use prevention and control.

18 3. Develop an educational component of the initiative.
19 Educational efforts provided through the school system shall be
20 developed in conjunction with the department of education.

21 4. Develop a plan for implementation of the initiative in
22 accordance with the purpose and intent specified in section
23 142A.1.

24 5. Provide for technical assistance, training, and other
25 support under the initiative.

26 6. Take actions to develop and implement a statewide
27 system for the initiative programs that are delivered through
28 community partnerships.

29 7. Manage and coordinate the provision of funding and other
30 moneys available to the initiative by combining all or portions
31 of appropriations or other revenues as authorized by law.

32 8. Assist with the linkage of the initiative with child
33 welfare and juvenile justice decategorization projects,
34 education programming, early childhood Iowa areas, and other
35 programs and services directed to youth at the state and

1 community level.

2 9. a. Coordinate and respond to any requests from a
3 community partnership relating to any of the following:

4 (1) Removal of barriers to community partnership efforts.

5 (2) Pooling and redirecting of existing federal, state, or
6 other public or private funds available for purposes that are
7 consistent with the initiative.

8 (3) Seeking of federal waivers to assist community
9 partnership efforts.

10 b. In coordinating and responding to the requests, the
11 commission shall work with state agencies, the governor, and
12 the general assembly as necessary to address requests deemed
13 appropriate by the commission.

14 10. Adopt rules pursuant to chapter 17A as necessary for
15 the designation, governance, and oversight of the initiative
16 and the implementation of this chapter. The commission shall
17 provide for community partnership and youth program input in
18 the rules adoption process. The rules shall include but are
19 not limited to all of the following:

20 a. Performance indicators for initiative programs, community
21 partnerships, and the services provided under the auspices of
22 community partnerships. The performance indicators shall be
23 developed with input from communities.

24 b. Minimum standards to further the provision of equal
25 access to services.

26 11. Monitor and evaluate the effectiveness of performance
27 measures utilized under the initiative.

28 12. Submit a report to the governor and the general assembly
29 ~~on a periodic basis, during the initial year of operation,~~
30 ~~and on an annual basis thereafter,~~ regarding the initiative,
31 including demonstrated progress based on performance
32 indicators. The commission shall report more frequently if
33 requested by the joint appropriations subcommittee that makes
34 recommendations concerning the commission's budget. ~~Beginning~~
35 ~~July 1, 2005, the commission shall also perform a comprehensive~~

~~1 review of the initiative and shall submit a report of its
2 findings to the governor and the general assembly on or before
3 December 15, 2005.~~

4 13. Represented by the chairperson of the commission,
5 annually appear before the joint appropriations subcommittee
6 that makes recommendations concerning the commission's budget
7 to report on budget expenditures and division department
8 operations relative to the prior fiscal year and the current
9 fiscal year.

~~10 14. Advise the director in evaluating potential candidates
11 for the position of administrator, consult with the director
12 in the hiring of the administrator, and review and advise
13 the director on the performance of the administrator in the
14 discharge of the administrator's duties.~~

15 ~~15.~~ 14. Prioritize funding needs and the allocation of
16 moneys appropriated and other resources available for the
17 programs and activities of the initiative.

18 ~~16.~~ 15. Review fiscal needs of the initiative and make
19 recommendations to the director in the development of budget
20 requests.

21 ~~17.~~ 16. Solicit and accept any gift of money or property,
22 including any grant of money, services, or property from the
23 federal government, the state, a political subdivision, or
24 a private source that is consistent with the goals of the
25 initiative. The commission shall adopt rules prohibiting the
26 acceptance of gifts from a manufacturer of tobacco products.

27 ~~18.~~ 17. Advise and make recommendations to the governor,
28 the general assembly, and the director, ~~and the administrator,~~
29 relative to tobacco use, treatment, intervention, prevention,
30 control, and education programs in the state.

31 ~~19.~~ 18. Evaluate the work of the ~~division and the~~
32 department relating to the initiative. For this purpose, the
33 commission shall have access to any relevant department records
34 and documents, and other information reasonably obtainable by
35 the department.

1 ~~20.~~ 19. Develop the structure for the statewide youth
2 summit to be held annually.

3 ~~21.~~ 20. Approve the content of any materials distributed
4 by the youth program pursuant to section 142A.9, prior to
5 distribution of the materials.

6 Sec. 236. Section 142A.5, Code 2023, is amended to read as
7 follows:

8 **142A.5 Director and administrator Department duties.**

9 ~~1.~~ The director department shall do all of the following:

10 ~~a.~~ Establish and maintain the division of tobacco use
11 prevention and control.

12 ~~b.~~ Employ a separate division administrator, in accordance
13 with the requirements of section 142A.4, subsection 14, in a
14 full-time equivalent position whose sole responsibility and
15 duty shall be the administration and oversight of the division.
16 The division administrator shall report to and shall serve
17 at the pleasure of the director. The administrator shall
18 be exempt from the merit system provisions of chapter 8A,
19 subchapter IV.

20 ~~c.~~ 1. Coordinate all tobacco use prevention and control
21 programs and activities under the purview of the department.

22 ~~d.~~ 2. Receive and review budget recommendations from the
23 commission. The director shall consider these recommendations
24 in developing the budget request for the department.

25 ~~2.~~ The administrator shall do all of the following:

26 ~~a.~~ 3. Implement the initiative, coordinate the activities
27 of the commission and the initiative, and coordinate other
28 tobacco use prevention and control activities ~~as assigned by~~
29 ~~the director.~~

30 ~~b.~~ 4. Monitor and evaluate the effectiveness of performance
31 measures.

32 ~~c.~~ 5. Provide staff and administrative support to the
33 commission.

34 ~~d.~~ 6. Administer contracts entered into under this chapter.

35 ~~e.~~ 7. Coordinate and cooperate with other tobacco use

1 prevention and control programs within and outside of the
2 state.

3 ~~§~~ 8. Provide necessary information to the commission
4 to assist the commission in making its annual report to the
5 joint appropriations subcommittee pursuant to section 142A.4,
6 ~~subsection 13~~, and in fulfilling other commission duties
7 pursuant to section 142A.4.

8 Sec. 237. Section 142A.6, subsections 1 and 4, Code 2023,
9 are amended to read as follows:

10 1. A comprehensive tobacco use prevention and control
11 initiative is established. The ~~division~~ department shall
12 implement the initiative as provided in this chapter.

13 4. The ~~division~~ department shall implement the initiative
14 in a manner that ensures that youth are extensively involved
15 in the decision making for the programs implemented under
16 the initiative. The initiative shall also involve parents,
17 schools, and community members in activities to achieve the
18 results desired for the initiative. The ~~division~~ department
19 shall encourage collaboration at the state and local levels
20 to maximize available resources and to provide flexibility to
21 support community efforts.

22 Sec. 238. Section 142C.15, subsections 1 and 2, Code 2023,
23 are amended to read as follows:

24 1. An anatomical gift public awareness and transplantation
25 fund is created as a separate fund in the state treasury
26 under the control of the ~~Iowa~~ department of ~~public~~ health and
27 human services. The fund shall consist of moneys remitted
28 by the county treasurer of a county or by the department of
29 transportation which were collected through the payment of a
30 contribution made by an applicant for registration of a motor
31 vehicle pursuant to section 321.44A and any other contributions
32 to the fund.

33 2. The moneys collected under this section and deposited
34 in the fund are appropriated to the ~~Iowa~~ department of ~~public~~
35 health and human services for the purposes specified in

1 this section. Moneys in the fund shall not be subject to
2 appropriation or expenditure for any other purpose.

3 Sec. 239. Section 142C.15, subsection 4, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:

5 The ~~Iowa~~ department of ~~publie~~ public health and human services may
6 use not more than five percent of the moneys in the fund for
7 administrative costs. The remaining moneys in the fund may
8 be expended through grants to any of the following persons,
9 subject to the following conditions:

10 Sec. 240. Section 142C.17, unnumbered paragraph 1, Code
11 2023, is amended to read as follows:

12 The ~~Iowa~~ department of ~~publie~~ public health and human services, in
13 conjunction with any statewide organ procurement organization
14 in Iowa, shall prepare and submit a report to the general
15 assembly on or before January 1 each year regarding organ
16 donation rates and voluntary compliance efforts with hospital
17 organ and tissue donation protocols by physicians, hospitals,
18 and other health systems organizations. The report shall
19 contain the following:

20 Sec. 241. Section 142C.18, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. The ~~director~~ department of ~~publie~~ public health and human
23 services shall contract with and recognize the Iowa donor
24 registry for the purpose of indicating on the donor registry
25 all relevant information regarding a donor's making or amending
26 of an anatomical gift.

27 Sec. 242. Section 142D.2, Code 2023, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 3A. "*Department*" means the department of
30 health and human services.

31 Sec. 243. Section 142D.6, subsection 3, Code 2023, is
32 amended to read as follows:

33 3. The owner, operator, manager, or other person having
34 custody or control of a public place, place of employment,
35 area declared a nonsmoking place pursuant to section 142D.5,

1 or outdoor area where smoking is prohibited under this
 2 chapter shall clearly and conspicuously post in and at every
 3 entrance to the public place, place of employment, area
 4 declared a nonsmoking place pursuant to section 142D.5, or
 5 outdoor area, "no smoking" signs or the international "no
 6 smoking" symbol. Additionally, a "no smoking" sign or the
 7 international "no smoking" symbol shall be placed in every
 8 vehicle that constitutes a public place, place of employment,
 9 or area declared a nonsmoking place pursuant to section 142D.5
 10 under this chapter, visible from the exterior of the vehicle.
 11 All signs shall contain the telephone number for reporting
 12 complaints and the internet site of the department of public
 13 health. The owner, operator, manager, or other person having
 14 custody or control of the public place, place of employment,
 15 area declared a nonsmoking place pursuant to section 142D.5,
 16 or outdoor area may use the sample signs provided on the
 17 ~~department of public health's~~ department's internet site, or
 18 may use another sign if the contents of the sign comply with
 19 the requirements of this subsection.

20 Sec. 244. Section 142D.8, Code 2023, is amended to read as
 21 follows:

22 **142D.8 Enforcement.**

23 1. This chapter shall be enforced by the department of
 24 ~~public health~~ or the department's designee. The department of
 25 ~~public health~~ shall adopt rules to administer this chapter,
 26 including rules regarding enforcement. The department
 27 ~~of public health~~ shall provide information regarding the
 28 provisions of this chapter and related compliance issues to
 29 employers, owners, operators, managers, and other persons
 30 having custody or control of a public place, place of
 31 employment, area declared a nonsmoking place pursuant to
 32 section 142D.5, or outdoor area where smoking is prohibited,
 33 and the general public via the department's internet site. The
 34 internet site shall include sample signage and the telephone
 35 number for reporting complaints. Judicial magistrates shall

1 hear and determine violations of this chapter.

2 2. If a public place is subject to any state or political
3 subdivision inspection process or is under contract with the
4 state or a political subdivision, the person performing the
5 inspection shall assess compliance with the requirements of
6 this chapter and shall report any violations to the department
7 ~~of public health~~ or the department's designee.

8 3. An owner, operator, manager, or other person having
9 custody or control of a public place, place of employment, area
10 declared a nonsmoking place pursuant to section 142D.5, or
11 outdoor area regulated under this chapter shall inform persons
12 violating this chapter of the provisions of this chapter.

13 4. An employee or private citizen may bring a legal action
14 to enforce this chapter. Any person may register a complaint
15 under this chapter by filing a complaint with the department ~~of~~
16 ~~public health~~ or the department's designee.

17 5. In addition to the remedies provided in this section, the
18 department ~~of public health~~ or the department's designee or any
19 other person aggrieved by the failure of the owner, operator,
20 manager, or other person having custody or control of a public
21 place, place of employment, area declared a nonsmoking place
22 pursuant to section 142D.5, or outdoor area regulated by this
23 chapter to comply with this chapter may seek injunctive relief
24 to enforce this chapter.

25 Sec. 245. Section 142D.9, subsection 5, Code 2023, is
26 amended to read as follows:

27 5. Violation of this chapter constitutes a public nuisance
28 which may be abated by the department ~~of public health~~ or the
29 department's designee by restraining order, preliminary or
30 permanent injunction, or other means provided by law, and the
31 entity abating the public nuisance may take action to recover
32 the costs of such abatement.

33 Sec. 246. Section 144.1, Code 2023, is amended to read as
34 follows:

35 **144.1 Definitions.**

1 As used in this chapter, unless the context otherwise
2 requires:

3 ~~1. "Board" means the state board of health.~~

4 ~~2. "Book", "list", "record", or "schedule" kept by a county~~
5 ~~auditor, assessor, treasurer, recorder, sheriff, or other~~
6 ~~county officer means the county system as defined in section~~
7 ~~445.1.~~

8 ~~3.~~ 1. "Court of competent jurisdiction" when used to refer
9 to inspection of an original certificate of birth based upon an
10 adoption means the court where the adoption was ordered.

11 ~~4.~~ 2. "Cremated remains" means all the remains of the
12 cremated human body recovered after the completion of the
13 cremation process, including pulverization which leaves only
14 bone fragments reduced to unidentifiable dimensions, and may
15 include the residue of any foreign matter including casket
16 material, bridgework, or eyeglasses that were cremated with the
17 human remains.

18 ~~5.~~ 3. "Cremation" means the technical process, using
19 heat and flame, that reduces human remains to bone fragments,
20 with the reduction taking place through heat and evaporation.
21 Cremation shall include the processing, and may include the
22 pulverization, of the bone fragments.

23 ~~6.~~ 4. "Dead body" means a lifeless human body or parts
24 or bones of a body, if, from the state of the body, parts,
25 or bones, it may reasonably be concluded that death recently
26 occurred.

27 ~~7.~~ 5. "Department" means the Iowa department of public
28 health and human services.

29 ~~8. "Division" means a division, within the department, for~~
30 ~~records and statistics.~~

31 ~~9.~~ 6. "Fetal death" means death prior to the complete
32 expulsion or extraction from its mother of a product of human
33 conception, irrespective of the duration of pregnancy. Death
34 is indicated by the fact that after expulsion or extraction
35 the fetus does not breathe or show any other evidence of life

1 such as beating of the heart, pulsation of the umbilical cord,
 2 or definite movement of voluntary muscles. In determining a
 3 fetal death, heartbeats shall be distinguished from transient
 4 cardiac contractions, and respirations shall be distinguished
 5 from fleeting respiratory efforts or gasps.

6 ~~10.~~ 7. "*Filing*" means the presentation of a certificate,
 7 report, or other record, provided for in this chapter, of a
 8 birth, death, fetal death, adoption, marriage, dissolution, or
 9 annulment for registration by the ~~division~~ department.

10 ~~11.~~ 8. "*Final disposition*" means the burial, interment,
 11 cremation, removal from the state, or other disposition of a
 12 dead body or fetus.

13 ~~12.~~ 9. "*Institution*" means any establishment, public
 14 or private, which provides inpatient medical, surgical,
 15 or diagnostic care or treatment, or nursing, custodial, or
 16 domiciliary care to two or more unrelated individuals, or to
 17 which persons are committed by law.

18 ~~13.~~ 10. "*Live birth*" means the complete expulsion or
 19 extraction from its mother of a product of human conception,
 20 irrespective of the duration of pregnancy, which, after
 21 such expulsion or extraction, breathes or shows any other
 22 evidence of life such as beating of the heart, pulsation of
 23 the umbilical cord, or definite movement of voluntary muscles,
 24 whether or not the umbilical cord has been cut or the placenta
 25 is attached. In determining a live birth, heartbeats shall
 26 be distinguished from transient cardiac contractions, and
 27 respirations shall be distinguished from fleeting respiratory
 28 efforts or gasps.

29 11. "Record" kept by a county auditor, assessor, treasurer,
 30 recorder, sheriff, or other county officer means the county
 31 system as defined in section 445.1.

32 ~~14.~~ 12. "*Registration*" means the process by which vital
 33 statistic records are completed, filed, and incorporated by the
 34 ~~division~~ department in the ~~division's~~ department's official
 35 records.

1 ~~15.~~ 13. "*State registrar*" means the state registrar of
2 vital statistics.

3 ~~16.~~ 14. "*System of vital statistics*" includes the
4 registration, collection, preservation, amendment, and
5 certification of vital statistics records, and activities and
6 records related thereto to the records including the data
7 processing, analysis, and publication of statistical data
8 derived from such records.

9 ~~17.~~ 15. "*Vital statistics*" means records of births, deaths,
10 fetal deaths, adoptions, marriages, dissolutions, annulments,
11 and data related thereto to the records.

12 Sec. 247. Section 144.2, Code 2023, is amended to read as
13 follows:

14 **144.2 ~~Division of records~~ Records and statistics.**

15 ~~There is established in the~~ The department ~~a division for~~
16 ~~records and statistics which~~ shall install, maintain, and
17 operate the system of vital statistics throughout the state.
18 No system for the registration of births, deaths, fetal deaths,
19 adoptions, marriages, dissolutions, and annulments, shall be
20 maintained in the state or any of its political subdivisions
21 other than the one provided for in this chapter. Suitable
22 quarters shall be provided for the ~~division~~ department
23 by the executive council at the seat of government. The
24 quarters shall be properly equipped for the permanent and safe
25 preservation of all official records made and returned under
26 this chapter.

27 Sec. 248. Section 144.4, Code 2023, is amended to read as
28 follows:

29 **144.4 ~~Registrar~~ State registrar.**

30 ~~The director of public health or the director's designee~~
31 shall be the state registrar of vital statistics and shall
32 carry out the provisions of this chapter.

33 Sec. 249. Section 144.5, Code 2023, is amended to read as
34 follows:

35 **144.5 Duties of state registrar.**

1 The state registrar shall do all of the following:

2 1. Administer and enforce this chapter and the rules issued
3 under this chapter, and issue instructions for the efficient
4 administration of the statewide system of vital statistics ~~and~~
5 ~~the division for records and statistics.~~

6 2. Direct and supervise the statewide system of vital
7 statistics and ~~the division for records and statistics and~~ be
8 custodian of its records.

9 3. Direct, supervise, and control the activities of clerks
10 of the district court and county recorders related to the
11 operation of the vital statistics system and provide registrars
12 with necessary postage.

13 4. Prescribe, print, and distribute the forms required by
14 this chapter and prescribe any other means for transmission of
15 data, as necessary to accomplish complete, accurate reporting.

16 5. Prepare and publish annual reports of vital statistics of
17 this state and other reports as may be required.

18 6. Delegate functions and duties vested in the state
19 registrar to officers, to employees of the department, to the
20 clerks of the district court, and to the county registrars as
21 the state registrar deems necessary or expedient.

22 7. Provide, by rules, for appropriate morbidity reporting.

23 Sec. 250. Section 144.12A, subsection 4, Code 2023, is
24 amended to read as follows:

25 4. The department shall, upon request, provide the name,
26 address, social security number, and any other identifying
27 information of a registrant to the biological mother of
28 the child; a court; ~~the department of human services;~~ the
29 attorney of any party to an adoption, termination of parental
30 rights, or establishment of paternity or support action; or
31 to ~~the child support recovery unit~~ services for an action to
32 establish paternity or support; or any other subunit of the
33 department subject to prior approval by the state registrar.

34 The information shall not be divulged to any other person and
35 shall be considered a confidential record as to any other

1 person, except upon order of the court for good cause shown.
2 If the registry has not received a declaration of paternity,
3 the department shall provide a written statement to that effect
4 to the person making the inquiry.

5 Sec. 251. Section 144.13, subsection 4, Code 2023, is
6 amended to read as follows:

7 4. The ~~division~~ state registrar shall make all of the
8 following available to the child support ~~recovery unit~~
9 services, upon request:

- 10 a. A copy of a child's birth certificate.
- 11 b. The social security numbers of the mother and the father.
- 12 c. A copy of the affidavit of paternity if filed pursuant
13 to section 252A.3A and any subsequent rescission form which
14 rescinds the affidavit.
- 15 d. Information, other than information for medical and
16 health use only, identified on a child's birth certificate or
17 on an affidavit of paternity filed pursuant to section 252A.3A.
18 The information may be provided as mutually agreed upon by the
19 ~~division~~ state registrar and the child support ~~recovery unit~~
20 services, including by automated exchange.

21 Sec. 252. Section 144.13A, subsection 5, paragraph a, Code
22 2023, is amended to read as follows:

- 23 a. Ten dollars of each registration fee is appropriated and
24 shall be used for primary and secondary child abuse prevention
25 programs pursuant to section 235A.1, and ten dollars of each
26 registration fee is appropriated and shall be used for the
27 ~~center for~~ congenital and inherited disorders central registry
28 established pursuant to section 136A.6. Notwithstanding
29 section 8.33, moneys appropriated in this paragraph that remain
30 unencumbered or unobligated at the close of the fiscal year
31 shall not revert but shall remain available for expenditure
32 for the purposes designated until the close of the succeeding
33 fiscal year, and shall not be transferred, used, obligated,
34 appropriated, or otherwise encumbered except as provided in
35 this paragraph.

1 Sec. 253. Section 144.26, Code 2023, is amended to read as
2 follows:

3 **144.26 Death certificate.**

4 1. *a.* A death certificate for each death which occurs
5 in this state shall be filed as directed by the state
6 registrar within three days after the death and prior to final
7 disposition, and shall be registered by the county registrar
8 if it has been completed and filed in accordance with this
9 chapter. A death certificate shall include the social security
10 number, if provided, of the deceased person. All information
11 including the certifying physician's, physician assistant's,
12 or advanced registered nurse practitioner's name shall be
13 typewritten.

14 *b.* A physician assistant or an advanced registered nurse
15 practitioner authorized to sign a death certificate shall be
16 licensed in this state and shall have been in charge of the
17 deceased patient's care.

18 2. All information included on a death certificate may
19 be provided as mutually agreed upon by the division state
20 registrar and the child support recovery unit services,
21 including by automated exchange.

22 3. *a.* The county in which a dead body is found is the
23 county of death. If death occurs in a moving conveyance,
24 the county in which the dead body is first removed from the
25 conveyance is the county of death.

26 *b.* If a decedent died outside of the county of the
27 decedent's residence, the state registrar shall send a copy
28 of the decedent's death certificate and any amendments to the
29 county registrar of the county of the decedent's residence.
30 The county registrar shall record a death certificate received
31 pursuant to this paragraph in the same records in which the
32 death certificate of a decedent who died within the county
33 is recorded. The state registrar may provide the county
34 registrars with electronic access to vital records in lieu of
35 the requirements of this paragraph.

1 4. *a.* The department shall establish by rule procedures
2 for making a finding of presumption of death when no body
3 can be found. The department shall also provide by rule
4 the responsibility for completing and signing the medical
5 certification of cause of death in such circumstances. The
6 presumptive death certificate shall be in a form prescribed by
7 the state registrar and filed in the county where the death was
8 presumed to occur.

9 *b.* The ~~division~~ department shall provide for the correction,
10 substitution, or removal of a presumptive death certificate
11 when the body of the person is later found, additional facts
12 are discovered, or the person is discovered to be alive.

13 5. Upon the activation of an electronic death record system,
14 each person with a duty related to death certificates shall
15 participate in the electronic death record system. A person
16 with a duty related to a death certificate includes but is not
17 limited to a physician as defined in section 135.1, a physician
18 assistant, an advanced registered nurse practitioner, a funeral
19 director, and a county recorder.

20 Sec. 254. Section 144.29A, subsection 1, paragraph c, Code
21 2023, is amended to read as follows:

22 *c.* The maternal health services region of the ~~Iowa~~
23 department of ~~public health~~ and human services, as designated
24 as of July 1, 1997, in which the patient resides.

25 Sec. 255. Section 144.36, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. A certificate recording each marriage performed in
28 this state shall be filed with the state registrar. The
29 county registrar shall prepare the certificate on the form
30 furnished by the state registrar upon the basis of information
31 obtained from the parties to be married, who shall attest to
32 the information by their signatures. The county registrar in
33 each county shall keep a record ~~book for marriages~~ of marriage
34 certificates as required by the state registrar. ~~The form of~~
35 ~~marriage record books shall be uniform throughout the state. A~~

1 ~~properly indexed permanent record of marriage certificates upon~~
2 ~~microfilm, electronic computer, or data processing equipment~~
3 ~~may be kept in lieu of marriage record books.~~

4 Sec. 256. Section 144.37, Code 2023, is amended to read as
5 follows:

6 **144.37 Dissolution and annulment records.**

7 1. For each dissolution or annulment of marriage granted
8 by any court in this state, a record shall be prepared by
9 the clerk of court or by the petitioner or the petitioner's
10 legal representative if directed by the clerk and filed by
11 the clerk of court with the state registrar. The information
12 necessary to prepare the ~~report~~ record shall be furnished with
13 the petition, to the clerk of court by the petitioner or the
14 petitioner's legal representative, on forms supplied by the
15 state registrar.

16 2. The clerk of the district court in each county shall
17 ~~keep a record book for~~ maintain the records of dissolutions and
18 annulments of marriage as required by the state registrar. ~~The~~
19 ~~form of dissolution record books shall be uniform throughout~~
20 ~~the state. A properly indexed record of dissolutions upon~~
21 ~~microfilm, electronic computer, or data processing equipment~~
22 ~~may be kept in lieu of dissolution record books.~~

23 3. On or before the tenth day of each calendar month, the
24 clerk of court shall forward to the state registrar the record
25 of each dissolution and annulment granted during the preceding
26 calendar month and related reports required by regulations
27 issued under this chapter.

28 Sec. 257. Section 144.43, subsection 3, paragraph b, Code
29 2023, is amended to read as follows:

30 b. The following vital statistics records in the custody
31 of the state archivist may be inspected and copied as of right
32 under chapter 22:

33 (1) A record of birth ~~that~~ if the record is at least
34 seventy-five years old or upon proof of entitlement to the
35 record.

1 (2) A record of marriage ~~that~~ if the record is at least
2 seventy-five years old or upon proof of entitlement to the
3 record.

4 (3) A record of divorce, dissolution of marriage,
5 or annulment of marriage ~~that~~ if the record is at least
6 seventy-five years old or upon proof of entitlement to the
7 record.

8 (4) A record of death or fetal death, ~~either of which~~ if the
9 record is at least fifty years old or upon proof of entitlement
10 to the record.

11 Sec. 258. Section 144A.2, subsection 5, Code 2023, is
12 amended to read as follows:

13 5. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
14 and human services.

15 Sec. 259. Section 144D.1, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. "*Department*" means the department of ~~public~~ health and
18 human services.

19 Sec. 260. Section 146A.1, subsection 1, paragraph d,
20 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
21 to read as follows:

22 That the woman has been provided information regarding all
23 of the following, based upon the materials developed by the
24 department of ~~public~~ health and human services pursuant to
25 subparagraph (2):

26 Sec. 261. Section 146A.1, subsection 1, paragraph d,
27 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
28 to read as follows:

29 The department of ~~public~~ health and human services shall
30 make available to physicians, upon request, all of the
31 following information:

32 Sec. 262. Section 146B.1, subsection 3, Code 2023, is
33 amended to read as follows:

34 3. "*Department*" means the department of ~~public~~ health and
35 human services.

1 Sec. 263. Section 147.77, Code 2023, is amended to read as
2 follows:

3 **147.77 Powers, privileges, rights, or duties provided by rule**
4 **— applicability to physician assistants.**

5 1. The following agencies that adopt rules pursuant to
6 chapter 17A providing a power, privilege, right, or duty to
7 a physician licensed under chapter 148 or other profession
8 licensed under this subtitle relating to the following subjects
9 shall, consistent with the scope of practice of physician
10 assistants licensed under chapter 148C, and unless otherwise
11 inconsistent with state or federal law, provide the same power,
12 privilege, right, or duty by rule to a physician assistant
13 licensed under chapter 148C:

14 a. The department of administrative services, with respect
15 to rules relating to the following:

16 (1) Retroactive conversion of vacation time to sick leave
17 for vacation time spent under the care of a physician.

18 (2) Certification of a catastrophic illness by a physician
19 for purposes of donation of leave and second medical
20 opinions and updates sought from a physician relating to such
21 certifications.

22 ~~b. The department on aging, with respect to rules relating~~
23 ~~to a written order from a physician for an older individual~~
24 ~~requesting a therapeutic diet, and the interpretation of such~~
25 ~~orders.~~

26 ~~c.~~ b. The department of corrections, with respect to rules
27 relating to the following:

28 (1) That a parolee shall not use, purchase, possess, or
29 transfer any drugs unless prescribed by a physician.

30 (2) That a serious medical need is one that has been
31 diagnosed by a physician as requiring treatment or is one so
32 obvious that a lay person would easily recognize the necessity
33 for a physician's attention.

34 (3) That each jail shall have a designated licensed
35 physician, licensed osteopathic physician, or medical resource

1 designated for the medical supervision, care, and treatment of
2 prisoners as deemed necessary and appropriate.

3 (4) That prescription medication, as ordered by a licensed
4 physician, licensed osteopathic physician, or licensed dentist
5 shall be provided in accordance with the directions of the
6 prescribing physician or dentist. Prisoners with medication
7 from a personal physician, osteopathic physician, or dentist
8 may be evaluated by a physician, osteopathic physician, or
9 dentist selected by the jail administrator to determine if the
10 present medication is appropriate.

11 (5) That expired drugs or drugs not in unit dose packaging,
12 whose administration had been discontinued by the attending
13 physician, shall be destroyed by the jail administrator or
14 designee in the presence of a witness.

15 (6) That special diets in jails prescribed by a physician
16 shall be followed and documented, that the physician who
17 prescribes the special diet shall specify a date on which the
18 diet will be reviewed for renewal or discontinuation, and that
19 unless specified by the prescribing physician, a certified
20 dietitian shall develop the menu.

21 (7) That special diets prescribed by a physician for the
22 care and treatment of juveniles in nonsecure hold shall be
23 followed and documented.

24 (8) For medical services in temporary holding facilities,
25 that a serious medical need is one that has been diagnosed by
26 a physician as requiring treatment or one that is so obvious
27 that a lay person would easily recognize the necessity for a
28 physician's attention.

29 (9) For medical resources in temporary holding facilities,
30 that each facility shall have a designated licensed physician,
31 licensed osteopathic physician, or medical resource designated
32 for the medical supervision, care, and treatment of detainees
33 as deemed necessary and appropriate.

34 (10) Medication procedures in temporary holding facilities,
35 that prescription medication, as ordered by a licensed

1 physician, licensed osteopathic physician, or licensed dentist
 2 shall be provided in accordance with the directions of the
 3 prescribing physician or dentist. Detainees with medication
 4 from a personal physician, osteopathic physician, or dentist
 5 may be evaluated by a physician, osteopathic physician, or
 6 dentist selected by the facility administrator to determine if
 7 the present medication is appropriate.

8 (11) For medication storage in temporary holding
 9 facilities, that expired drugs or drugs not in unit dose
 10 packaging, whose administration had been discontinued by
 11 the attending physician, shall be destroyed by the facility
 12 administrator or designee in the presence of a witness.

13 (12) For medical diets in temporary holding facilities,
 14 that special diets as prescribed by a physician shall be
 15 followed and documented.

16 (13) For medical care and treatment for juveniles in
 17 nonsecure holds in temporary holding facilities, that special
 18 diets as prescribed by a physician shall be followed and
 19 documented.

20 ~~d.~~ c. The economic development authority, with respect
 21 to rules relating to the certification of a person with a
 22 disability for the purpose of the targeted small business
 23 program, that in order to be considered a person with a
 24 disability for the purpose of the targeted small business
 25 program, the person must qualify and receive certification as
 26 having a disability from a licensed medical physician or must
 27 have been found eligible for vocational rehabilitation services
 28 by the department of ~~education~~ workforce development, division
 29 of vocational rehabilitation services, or by the department for
 30 the blind.

31 ~~e.~~ d. The department of education, with respect to rules
 32 relating to the following:

33 (1) For statements relating to medication administration
 34 policies, that a statement that persons administering
 35 medication shall include authorized practitioners, such as

1 licensed registered nurses and physicians, and persons to whom
2 authorized practitioners have delegated the administration
3 of prescription and nonprescription drugs. Individuals
4 shall self-administer asthma or other airway constricting
5 disease medication or possess and have use of an epinephrine
6 auto-injector with parent and physician consent on file,
7 without the necessity of demonstrating competency to
8 self-administer these medications.

9 (2) For medication administration courses relating
10 to medication administration policies, that a medication
11 administration course be conducted by a registered nurse
12 or licensed pharmacist and include an annual medication
13 administration procedural skills check completed with a
14 registered nurse or pharmacist.

15 (3) For school-based youth services programs, that
16 preventive and primary health care services shall be delivered
17 by specifically credentialed providers as specified.

18 ~~f.~~ e. The department of health and human services, with
19 respect to rules relating to the following:

20 (1) That an incident for purposes of accreditation
21 of providers of services to persons with mental illness,
22 intellectual disabilities, or developmental disabilities
23 includes but is not limited to an occurrence involving the
24 individual using the service that results in a physical injury
25 to or by the individual that requires a physician's treatment
26 or admission to a hospital.

27 (2) That a mental health professional, for purposes
28 of accreditation of providers of services to persons with
29 mental illness, intellectual disabilities, or developmental
30 disabilities, includes a medical professional licensed in this
31 state, provided that the professional otherwise meets all of
32 the conditions to qualify as a mental health professional.

33 (3) That home health aide services for purposes of
34 disability services management and regional services may
35 include medications specifically ordered by a physician.

1 (4) That payment relating to the state supplementary
2 assistance program for residential care shall only be made when
3 there is on file an order written by a physician certifying
4 that the applicant or recipient being admitted requires
5 residential care but does not require nursing services.

6 (5) That a case folder for a facility participating in
7 the state supplementary assistance program must include a
8 physician's statement certifying that a resident does not
9 require nursing services.

10 (6) That personnel providing psychological evaluations
11 and counseling or psychotherapy services for area education
12 agencies under the medical assistance program include specified
13 professions endorsed, licensed, or registered in this state,
14 provided that the professional otherwise meets all of the
15 conditions to qualify as a mental health professional.

16 (7) That personnel providing psychological evaluations and
17 counseling or psychotherapy services for providers of infant
18 and toddler program services under the medical assistance
19 program include specified professions endorsed, licensed,
20 or registered in this state, provided that the professional
21 otherwise meets all of the conditions to qualify as a mental
22 health professional.

23 (8) That personnel providing other services for providers
24 of infant and toddler program services under the medical
25 assistance program include specified professions recognized,
26 endorsed, or licensed in this state, provided that the
27 professional otherwise meets all of the conditions to qualify
28 as a mental health professional.

29 (9) That personnel providing psychological evaluations
30 and counseling or psychotherapy services for providers of
31 local education agency services under the medical assistance
32 program include specified professions endorsed, licensed,
33 or registered in this state, provided that the professional
34 otherwise meets all of the conditions to qualify as a mental
35 health professional.

1 (10) That personnel providing other services for providers
2 of local education agency services under the medical assistance
3 program include specified professions recognized, endorsed,
4 or licensed in this state, provided that the professional
5 otherwise meets all of the conditions to qualify as a mental
6 health professional.

7 (11) For payment for medically necessary home health agency
8 services under the medical assistance program, that payment
9 shall be approved for medically necessary home health agency
10 services prescribed by a physician in a plan of home health
11 care provided by a Medicare-certified home health agency.

12 (12) For authorization for medically necessary home health
13 agency services under the medical assistance program, that
14 services shall be authorized by a physician, evidenced by the
15 physician's signature and date on a plan of treatment.

16 (13) For treatment plans of home health agencies under the
17 medical assistance program, that a member's medical condition
18 shall be reflected by the date last seen by a physician, if
19 available.

20 (14) For items included in treatment plans of home health
21 agencies under the medical assistance program, that a plan of
22 care shall include a physician's signature and date and that
23 the plan of care must be signed and dated by the physician
24 before the claim for service is submitted for reimbursement.

25 (15) For skilled nursing services provided by a home health
26 agency under the medical assistance program, that medical
27 documentation shall be submitted justifying the need for
28 continued visits, including the physician's estimate of the
29 length of time that additional visits will be necessary, and
30 that daily skilled nursing visits or multiple daily visits for
31 wound care or insulin injections shall be covered when ordered
32 by a physician and included in the plan of care.

33 (16) For physical therapy services provided by a home health
34 agency under the medical assistance program, that payment shall
35 be made for physical therapy services when the services follow

1 a treatment plan established by the physician after any needed
2 consultation with the qualified physical therapist.

3 (17) For occupational therapy services provided by a
4 home health agency under the medical assistance program,
5 that payment shall be made for occupational therapy services
6 when the services follow a treatment plan established by the
7 physician.

8 (18) For speech therapy services provided by a home health
9 agency under the medical assistance program, that payment shall
10 be made for speech therapy services when the services follow a
11 treatment plan established by the physician.

12 (19) For home health aide services provided by a home health
13 agency under the medical assistance program, that the service
14 as well as the frequency and duration are stated in a written
15 plan of treatment established by a physician.

16 (20) For home health aide services provided by a home health
17 agency under the medical assistance program, that services
18 provided for specified durations when ordered by a physician
19 and included in a plan of care shall be allowed as intermittent
20 services.

21 (21) For home health aide services provided by a home health
22 agency under the medical assistance program, that personal
23 care services include helping the member take medications
24 specifically ordered by a physician.

25 (22) For private duty nursing or personal care services for
26 persons aged twenty and under, under the medical assistance
27 program, that private duty nursing services are those services
28 which are provided by a registered nurse or a licensed
29 practical nurse under the direction of the member's physician
30 to a member in the member's place of residence or outside the
31 member's residence, when normal life activities take the member
32 outside the place of residence.

33 (23) For private duty nursing or personal care services for
34 persons aged twenty and under, under the medical assistance
35 program, that services shall be provided according to a written

1 plan of care authorized by a licensed physician.

2 (24) For private duty nursing or personal care services for
3 persons aged twenty and under, under the medical assistance
4 program, that personal care services are those services
5 provided by a home health aide or certified nurse's aide and
6 which are delegated and supervised by a registered nurse under
7 the direction of the member's physician to a member in the
8 member's place of residence or outside the member's residence,
9 when normal life activities take the member outside the place
10 of residence, and that these services shall be in accordance
11 with the member's plan of care and authorized by a physician.

12 (25) For requirements for private duty nursing or personal
13 care services for persons aged twenty and under, under the
14 medical assistance program, that private duty nursing or
15 personal care services shall be ordered in writing by a
16 physician as evidenced by the physician's signature on the plan
17 of care.

18 (26) For obtaining prescription medications for children in
19 juvenile detention and shelter care homes, that prescription
20 medication provided to residents shall be dispensed only from a
21 licensed pharmacy in this state in accordance with state law,
22 from a licensed pharmacy in another state according to the laws
23 of that state, or by a licensed physician.

24 (27) For health and dental programs provided by agencies
25 providing foster care services, that a child's physical
26 examination shall be performed by a licensed physician or
27 licensed nurse practitioner.

28 (28) For health and dental programs provided by agencies
29 providing foster care services, that if documentation of prior
30 immunization is unavailable, immunizations required by the
31 department of ~~public health~~ shall begin within thirty days of
32 placement, unless contraindicated and unless a statement from
33 a physician to that effect is included in the child's medical
34 record, and that a statement from a physician, referring
35 agency, parent, or guardian indicating immunizations are

1 current is sufficient documentation of immunizations.

2 (29) For the dispensing, storage, authorization, and
3 recording of medications in child care centers, that all
4 medications shall be stored in their original containers, with
5 accompanying physician or pharmacist's directions and label
6 intact and stored so they are inaccessible to children and the
7 public.

8 (30) For an infants' area in a child care center, that
9 upon the recommendation of a child's physician or the area
10 education agency serving the child, a child who is two years
11 of age or older with a disability that results in significant
12 developmental delays in physical and cognitive functioning who
13 does not pose a threat to the safety of the infants may, if
14 appropriate and for a limited time approved by the department,
15 remain in the infant area.

16 (31) For facility requirements for a child development
17 home, that the telephone number for each child's physician
18 shall be written on paper and readily accessible by the
19 telephone.

20 (32) For medications and hazardous materials in a child
21 development home, that medications shall be given only with
22 the parent's or doctor's written authorization, and that each
23 prescribed medication shall be accompanied by a physician's or
24 pharmacist's direction.

25 (33) For medical reports regarding the health of a family
26 in a family life home, that a medical report shall provide
27 significant findings of a physician, such as the presence or
28 absence of any communicable disease.

29 (34) For medical reexaminations of a family in a family
30 life home, that medical reexaminations may be required at the
31 discretion of a physician.

32 (35) For medical examinations of a client in a family life
33 home, that a physician shall certify that the client is free
34 from any communicable disease and does not require a higher
35 level of care than that provided by a family life home.

1 (36) For the records of a client in a family life home,
2 that the family shall have available at all times, the name,
3 address, and telephone number of the client's physician.

4 (37) For the facility requirements for a child care home,
5 that the telephone number for each child's physician shall be
6 written on paper and readily accessible by the telephone.

7 (38) For the administration of medications at a child care
8 home, that medications shall be given only with the parent's or
9 doctor's written authorization and each prescribed medication
10 shall be accompanied by a physician's or pharmacist's
11 direction.

12 (39) For payments for foster care, that an intellectual
13 disabilities professional includes specified professions,
14 provided that the professional otherwise meets all of
15 the conditions to qualify as an intellectual disabilities
16 professional.

17 (40) For payments for foster care, that a mental health
18 professional includes specified professions, provided that the
19 professional otherwise meets all of the conditions to qualify
20 as a mental health professional.

21 (41) For the subsidized adoption program, that a qualified
22 intellectual disability professional includes specified
23 professions, provided that the professional otherwise meets
24 all of the conditions to qualify as a qualified intellectual
25 disability professional.

26 (42) For the subsidized adoption program, that a qualified
27 mental health professional includes specified professions,
28 provided that the professional otherwise meets all of
29 the conditions to qualify as a qualified mental health
30 professional.

31 (43) For the information provided to a foster care provider
32 by a department worker at the time of placement, that the
33 information shall include the names, addresses, and telephone
34 numbers of the child's physician and dentist.

35 (44) A written order from a physician for an older

1 individual requesting a therapeutic diet, and the
2 interpretation of such orders.

3 (45) That "*impaired glucose tolerance*", for purposes of
4 outpatient diabetes education programs, means a condition in
5 which blood glucose levels are higher than normal, diagnosed by
6 a physician, and treated with a food plan, exercise, or weight
7 control.

8 (46) For instructors for programs not recognized by the
9 American diabetes association or accredited by the American
10 association of diabetes educators, that the primary instructors
11 shall be one or more of specified health care professionals who
12 are knowledgeable about the disease process of diabetes and the
13 treatment of diabetes.

14 (47) For the written form for participation in the
15 prescription drug donation repository program, that the form
16 shall include the name and telephone number of the responsible
17 pharmacist, physician, or nurse practitioner who is employed
18 by or under contract with the pharmacy or medical facility,
19 and shall also include a statement, signed and dated by the
20 responsible pharmacist, physician, or nurse practitioner,
21 indicating that the pharmacy or medical facility meets the
22 eligibility requirements and shall comply with the requirements
23 established by rule.

24 (48) For the dispensing of donated prescription drugs and
25 supplies, that donated drugs and supplies may be dispensed
26 only if the drugs or supplies are prescribed by a health
27 care practitioner for use by an eligible individual and
28 are dispensed by a licensed pharmacist, physician, or nurse
29 practitioner.

30 ~~g.~~ f. The department of inspections and appeals, with
31 respect to rules relating to the following:

32 (1) For the qualifications of an attending physician at a
33 hospice, that the person shall have an active Iowa license to
34 practice medicine.

35 (2) For residential care facilities for persons with

1 intellectual disabilities, that a qualified intellectual
2 disability professional includes specified professions,
3 provided that the professional otherwise meets all of the
4 conditions to qualify as a qualified intellectual disability
5 professional.

6 (3) For nursing facilities, that a qualified intellectual
7 disabilities professional includes specified professions,
8 provided that the professional otherwise meets all of the
9 conditions to qualify as a qualified intellectual disabilities
10 professional.

11 (4) For intermediate care facilities for persons with
12 mental illness, that a qualified mental health professional
13 includes specified professions, provided that the professional
14 otherwise meets all of the conditions to qualify as a qualified
15 mental health professional.

16 (5) For notifications submitted to the department from
17 a subacute mental health care facility in the event of an
18 accident causing a major injury, including as a major injury an
19 injury which requires consultation with the attending physician
20 or designee of the physician or advanced registered nurse
21 practitioner who determines that an injury is a major injury.

22 ~~h.~~ g. The racing and gaming commission, with respect to
23 rules relating to the following:

24 (1) For the grounds for denial, suspension, or revocation
25 of an occupational or vendor license, that a license shall be
26 denied if the applicant has a history of mental illness without
27 demonstrating successful treatment by a licensed medical
28 physician.

29 (2) For the qualifications for jockeys, that a jockey shall
30 pass a physical examination by a licensed physician affirming
31 fitness to participate as a jockey.

32 (3) For the regulation of licensees in restricted areas of
33 a racing facility, that licensees whose duties require them to
34 be in a restricted area of a racing facility shall not have
35 present within their systems any controlled substance as listed

1 in schedules I to V of U.S.C. Tit. 21 (Food and Drug Section
2 812), chapter 124, or any prescription drug unless it was
3 obtained directly or pursuant to valid prescription or order
4 from a duly licensed physician who is acting in the course of
5 professional practice.

6 ~~i.~~ h. The Iowa law enforcement academy, with respect to
7 rules relating to the following:

8 (1) For the minimum standards for law enforcement officers,
9 that an officer is examined by a licensed physician or surgeon.

10 (2) For hiring standards must be reverified if an individual
11 is not hired by an Iowa law enforcement agency during a
12 specified period of time following completion of the course
13 of study, that the individual must be examined by a licensed
14 physician or surgeon.

15 (3) For the selection or appointment of reserve peace
16 officers, that the person shall be examined by a licensed
17 physician or surgeon.

18 ~~j.~~ i. The natural resource commission, with respect to
19 rules relating to the following:

20 (1) That the grounds for revoking or suspending an
21 instructor license include participation in a course while
22 ingesting prescription medication in a manner contrary to the
23 dosing directions given by the prescribing physician.

24 (2) For applications for use of a crossbow for deer and
25 turkey hunting by handicapped individuals, that an application
26 must include a statement signed by the applicant's physician
27 declaring that the individual is not physically capable of
28 shooting a bow and arrow.

29 (3) For authorization for the use of a crossbow for deer
30 and turkey hunting by handicapped individuals, that if a
31 conservation officer has probable cause to believe the person's
32 handicapped status has improved, making it possible for the
33 person to shoot a bow and arrow, the department of natural
34 resources may, upon the officer's request, require the person
35 to obtain in writing a current physician's statement.

1 (4) For licenses for nonresidents to participate in a
 2 special deer hunting season for severely disabled persons,
 3 that a nonresident applying for the license must have on file
 4 with the department of natural resources either a copy of a
 5 disabilities parking permit issued by a state department of
 6 transportation or an Iowa department of natural resources form
 7 signed by a physician that verifies their disability.

8 ~~*. The Iowa department of public health, with respect to~~
 9 ~~rules relating to the following:~~

10 ~~(1) That "impaired glucose tolerance", for purposes of~~
 11 ~~outpatient diabetes education programs, means a condition in~~
 12 ~~which blood glucose levels are higher than normal, diagnosed by~~
 13 ~~a physician, and treated with a food plan, exercise, or weight~~
 14 ~~control.~~

15 ~~(2) For instructors for programs not recognized by the~~
 16 ~~American diabetes association or accredited by the American~~
 17 ~~association of diabetes educators, that the primary instructors~~
 18 ~~shall be one or more of specified health care professionals who~~
 19 ~~are knowledgeable about the disease process of diabetes and the~~
 20 ~~treatment of diabetes.~~

21 ~~(3) For the written form for participation in the~~
 22 ~~prescription drug donation repository program, that the form~~
 23 ~~shall include the name and telephone number of the responsible~~
 24 ~~pharmacist, physician, or nurse practitioner who is employed~~
 25 ~~by or under contract with the pharmacy or medical facility,~~
 26 ~~and shall also include a statement, signed and dated by the~~
 27 ~~responsible pharmacist, physician, or nurse practitioner,~~
 28 ~~indicating that the pharmacy or medical facility meets the~~
 29 ~~eligibility requirements and shall comply with the requirements~~
 30 ~~established by rule.~~

31 ~~(4) For the dispensing of donated prescription drugs and~~
 32 ~~supplies, that donated drugs and supplies may be dispensed~~
 33 ~~only if the drugs or supplies are prescribed by a health~~
 34 ~~care practitioner for use by an eligible individual and~~
 35 ~~are dispensed by a licensed pharmacist, physician, or nurse~~

1 ~~practitioner.~~

2 ~~i.~~ j. The department of public safety, with respect to
3 rules relating to permits to carry weapons, that a person who
4 is an unlawful user of or addicted to any controlled substance
5 includes any person who is a current user of a controlled
6 substance in a manner other than as prescribed by a licensed
7 physician.

8 ~~m.~~ k. The department of transportation, with respect
9 to rules relating to exemptions from motor vehicle window
10 transparency requirements, that a motor vehicle fitted with
11 a front windshield, a front side window, or a front sidewing
12 with less than seventy percent but not less than thirty-five
13 percent light transmittance before July 4, 2012, may continue
14 to be maintained and operated with a front windshield, a front
15 side window, or a front sidewing with less than seventy percent
16 but not less than thirty-five percent light transmittance on or
17 after July 4, 2012, so long as the vehicle continues to be used
18 for the transport of a passenger or operator who documented in
19 the manner specified by the department a medical need for such
20 reduced transparency, which document was signed by the person's
21 physician before July 4, 2012.

22 ~~n.~~ l. The Iowa department of veterans affairs, with respect
23 to rules relating to expenses relating to the purchase of
24 durable equipment or services, that individuals requesting
25 reimbursement who need durable equipment as a medical necessity
26 should provide information from a physician.

27 ~~o.~~ m. The department of workforce development, with respect
28 to rules relating to the following:

29 (1) That a voluntary quit shall be presumed to be without
30 good cause attributable to the employer for purposes of
31 unemployment compensation if a claimant left employment because
32 of illness or injury which was not caused or aggravated by the
33 employment or pregnancy and failed to obtain the advice of a
34 licensed and practicing physician, obtain certification of
35 release for work from a licensed and practicing physician, or

1 return to the employer and offer services upon recovery and
2 certification for work by a licensed and practicing physician.

3 (2) That for purposes of unemployment compensation, it is
4 a reason for a claimant leaving employment with good cause
5 attributable to the employer if the claimant left employment
6 because of illness, injury, or pregnancy upon the advice of
7 a licensed and practicing physician, and upon recovery, when
8 recovery was certified by a licensed and practicing physician,
9 the claimant returned and offered to perform services to the
10 employer, but no suitable, comparable work was available.

11 (3) That for purposes of unemployment compensation it is
12 a reason for a claimant leaving employment with good cause
13 attributable to the employer if the claimant left employment
14 upon the advice of a licensed and practicing physician for the
15 sole purpose of taking a family member to a place having a
16 different climate and subsequently returned to the claimant's
17 regular employer and offered to perform services, but the
18 claimant's regular or comparable work was not available.

19 ~~P.~~ n. The labor services division of the department of
20 workforce development, with respect to rules relating to the
21 following:

22 (1) For the disclosure of a trade secret relating to a
23 hazardous chemical during a medical emergency, that where a
24 treating physician or nurse determines that a medical emergency
25 exists and the specific chemical identity of a hazardous
26 chemical is necessary for emergency or first-aid treatment, the
27 chemical manufacturer, importer, or employer shall immediately
28 disclose the specific chemical identity of a trade secret
29 chemical to that treating physician or nurse, regardless of the
30 existence of a written statement of need or a confidentiality
31 agreement.

32 (2) For the disclosure of a trade secret relating to
33 a hazardous chemical in a nonemergency situation, that in
34 nonemergency situations, a chemical manufacturer, importer,
35 or employer shall, upon request, disclose a specific chemical

1 identity, otherwise permitted to be withheld by rule, to a
2 specified health professional providing medical or other
3 occupational health services to exposed employees or designated
4 representatives in specified circumstances.

5 (3) For applications for a license to practice asbestos
6 removal, that except as noted in rule, only worker and
7 contractor/supervisor license applicants must submit the
8 respiratory protection and physician's certification forms.

9 (4) For documentation held by persons licensed for asbestos
10 abatement in an area that is subject to a disaster emergency
11 proclamation, that the labor commissioner deems an individual
12 contractor, supervisor, or worker to be licensed and authorized
13 for asbestos abatement if the individual, in addition to other
14 specified conditions, makes immediately available on the
15 work site a copy of a physician's statement indicating that,
16 consistent with federal law, a licensed physician has examined
17 the individual within the past twelve months and approved the
18 individual to work while wearing a respirator.

19 (5) That the contents of an application for an event
20 license for a covered athletic event other than a professional
21 wrestling event shall contain, along with other requirements,
22 a copy of the medical license of the ringside physician and
23 the date, time, and location of the ringside physician's
24 examination of the contestants.

25 (6) For the responsibilities of the promoter of an athletic
26 event, that the promoter submit test results to the ringside
27 physician no later than at the time of the physical showing
28 that each contestant scheduled for the event tested negative
29 for the human immunodeficiency, hepatitis B, and hepatitis C
30 viruses within the one-year period prior to the event, and that
31 the contestant shall not participate and the physician shall
32 notify the promoter that the contestant is prohibited from
33 participating for medical reasons if specified circumstances
34 occur.

35 (7) For injuries during a professional boxing match, that if

1 a contestant claims to be injured during the bout, the referee
2 shall stop the bout and request the attending physician to make
3 an examination. If the physician decides that the contestant
4 has been injured as the result of a foul, the physician shall
5 advise the referee of the injury. If the physician is of the
6 opinion that the injured contestant may be able to continue,
7 the physician shall order an intermission, after which the
8 physician shall make another examination and again advise
9 the referee of the injured contestant's condition. It shall
10 be the duty of the promoter to have an approved physician in
11 attendance during the entire duration of all bouts.

12 (8) For persons allowed in a ring during a professional
13 boxing match, that no person other than the contestants and the
14 referee shall enter the ring during the bout, excepting the
15 seconds between the rounds or the attending physician if asked
16 by the referee to examine an injury to a contestant.

17 (9) For the weighing of contestants in a professional boxing
18 match, that contestants shall be weighed and examined on the
19 day of the scheduled match by the attending ring physician at a
20 time and place to be determined by the commissioner.

21 (10) For attending ring physicians during a professional
22 boxing match, that when a boxer has been injured seriously,
23 knocked out, or technically knocked out, the referee shall
24 immediately summon the attending ring physician to aid the
25 stricken boxer, and that managers, handlers, and seconds shall
26 not attend to the stricken boxer, except at the request of the
27 physician.

28 (11) For the keeping of time during a professional boxing
29 match, that the timekeeper shall keep an exact record of time
30 taken out at the request of a referee for an examination of a
31 contestant by the physician.

32 (12) For the suspension of contestants during a
33 professional boxing match that is an elimination tournament,
34 that a contestant who for specified reasons is not permitted
35 to box in the state for a period of time shall be examined by a

1 physician approved by the commissioner before being permitted
2 to fight again.

3 (13) For the designation of officials for professional
4 kickboxing, that the designation of physicians is subject to
5 the approval of the commissioner or designee.

6 (14) For officials for a mixed martial arts event, that
7 officials shall include a physician.

8 (15) For the keeping of time for a mixed martial arts
9 event, that the timekeeper shall keep an exact record of time
10 taken out at the request of a referee for an examination of a
11 contestant by the physician.

12 (16) For persons allowed in the cage during a mixed martial
13 arts event, that a physician may enter the cage to examine a
14 contestant upon the request of the referee.

15 (17) For the decorum of persons involved in a mixed martial
16 arts event, that a contestant is exempt from prohibitions on
17 specified conduct while interacting with the contestant's
18 opponent during a round, but if the round is stopped by the
19 physician or referee for a time out, the prohibitions shall
20 apply to the contestant.

21 (18) For the examination of contestants in a mixed martial
22 arts event, that on the day of the event, at a time and place
23 to be approved by the commissioner, the ringside physician
24 shall conduct a rigorous physical examination to determine the
25 contestant's fitness to participate in a mixed martial arts
26 match, and that a contestant deemed not fit by the physician
27 shall not participate in the event.

28 (19) For injuries during a mixed martial arts event, that if
29 a contestant claims to be injured or when a contestant has been
30 injured seriously or knocked out, the referee shall immediately
31 stop the fight and summon the attending ring physician to make
32 an examination of the stricken fighter. If the physician
33 decides that the contestant has been injured, the physician
34 shall advise the referee of the severity of the injury. If
35 the physician is of the opinion the injured contestant may be

1 able to continue, the physician shall order an intermission,
2 after which the physician shall make another examination and
3 again advise the referee of the injured contestant's condition.
4 Managers, handlers, and seconds shall not attend to the
5 stricken fighter, except at the request of the physician.

6 2. This section shall not be construed to expand, diminish,
7 or otherwise modify the scope of practice of any profession
8 licensed under this subtitle.

9 3. The rulemaking requirements provided in this section
10 shall not be construed to prohibit the agencies listed in
11 subsection 1 from engaging in further rulemaking not in
12 conflict with this section or state or federal law relating to
13 the subject matter of this section or to otherwise diminish the
14 authority to engage in rulemaking provided to those agencies by
15 any other statute.

16 Sec. 264. Section 147A.1, subsections 1 and 2, Code 2023,
17 are amended to read as follows:

18 1. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
19 and human services.

20 2. "*Director*" means the director of ~~the Iowa department of~~
21 public health and human services.

22 Sec. 265. Section 147A.21, subsections 2 and 3, Code 2023,
23 are amended to read as follows:

24 2. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
25 and human services.

26 3. "*Director*" means the director of ~~public~~ health and human
27 services.

28 Sec. 266. Section 147A.24, subsection 1, paragraph d, Code
29 2023, is amended to read as follows:

30 d. Department of ~~public~~ health and human services.

31 Sec. 267. Section 147C.1, subsection 2, paragraph c, Code
32 2023, is amended to read as follows:

33 c. "*Alternative program*" means a nondisciplinary monitoring
34 or practice remediation process approved by a physical therapy
35 licensing board. This includes but is not limited to substance

1 ~~abuse~~ use disorder issues.

2 Sec. 268. Section 147D.1, subsection 2, paragraph c, Code
3 2023, is amended to read as follows:

4 c. "*Alternative program*" means a voluntary, nondisciplinary
5 substance ~~abuse~~ use disorder recovery program approved by a
6 state emergency medical services authority.

7 Sec. 269. Section 147E.1, subsection 2, paragraph k, Code
8 2023, is amended to read as follows:

9 k. "*Impaired practitioner*" means individuals whose
10 professional practice is adversely affected by substance ~~abuse~~
11 use disorder, addiction, or other health-related conditions.

12 Sec. 270. Section 147F.1, subsection 2, paragraph n, Code
13 2023, is amended to read as follows:

14 n. "*Impaired practitioner*" means an individual whose
15 professional practice is adversely affected by substance ~~abuse~~
16 use disorder, addiction, or other health-related conditions.

17 Sec. 271. Section 152.5A, Code 2023, is amended to read as
18 follows:

19 **152.5A Student record checks.**

20 1. For the purposes of this section:

21 a. "*Comprehensive preliminary background check*" means the
22 same as defined in section 135C.1.

23 b. "*Nursing program*" means a nursing program that is
24 approved by the board pursuant to section 152.5.

25 c. "*Record check evaluation system*" means the same as
26 defined in section 135C.1.

27 ~~e.~~ d. "*Student*" means a person applying for, enrolled in,
28 or returning to the clinical education component of a nursing
29 program.

30 2. Prior to a student beginning or returning to a nursing
31 program, the nursing program shall do one of the following in
32 substantial conformance with the provisions of section 135C.33:

33 a. Request that the department of public safety perform a
34 criminal history check and the record check evaluation system
35 of the department of health and human services perform child

1 and dependent adult abuse record checks of the student in this
2 state.

3 *b.* Access the single contact repository to perform the
4 required record checks.

5 3. *a.* If a program accesses the single contact repository
6 to perform the required record checks pursuant to subsection
7 2, the program may utilize a third-party vendor to perform
8 a comprehensive preliminary background check to allow a
9 student to provisionally participate in the clinical education
10 component of the nursing program pending completion of the
11 required record checks through the single contact repository
12 and the evaluation by the ~~department of human services~~ record
13 check evaluation system, as applicable, subject to all of the
14 following:

15 (1) If the comprehensive preliminary background check
16 determines that the student being considered for provisional
17 participation has been convicted of a crime, but the crime does
18 not constitute a felony as defined in section 701.7 and is not
19 a crime specified pursuant to chapter 708, 708A, 709, 709A,
20 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27,
21 or 726.28.

22 (2) If the comprehensive preliminary background check
23 determines the student being considered for provisional
24 participation does not have a record of founded child abuse or
25 dependent adult abuse, or if an exception pursuant to section
26 135C.33, subsection 4, is applicable to the student.

27 (3) If the program has requested an evaluation in accordance
28 with section 135C.33, subsection 2, paragraph "a", to determine
29 whether the crime warrants prohibition of the student's
30 provisional participation.

31 *b.* The provisional participation under this subsection
32 3 may continue until such time as the required record checks
33 through the single contact repository and the evaluation by the
34 ~~department of human services~~ record check evaluation system,
35 as applicable, are completed.

1 4. If a student has a criminal record or a record of
 2 founded child or dependent adult abuse, upon request of the
 3 nursing program, the ~~department of human services~~ record check
 4 evaluation system shall perform an evaluation to determine
 5 whether the record warrants prohibition of the student's
 6 involvement in a clinical education component of a nursing
 7 program involving children or dependent adults. The ~~department~~
 8 ~~of human services~~ record check evaluation system shall utilize
 9 the criteria provided in section 135C.33 in performing the
 10 evaluation and shall report the results of the evaluation to
 11 the nursing program. The ~~department of human services~~ record
 12 check evaluation system has final authority in determining
 13 whether prohibition of the student's involvement in a clinical
 14 education component is warranted.

15 Sec. 272. Section 154D.4, subsection 2, paragraph c, Code
 16 2023, is amended to read as follows:

17 c. The provision of children, family, or mental health
 18 services through the department of health and human services
 19 or juvenile court, or agencies contracting with the department
 20 of health and human services or juvenile court, by persons who
 21 do not represent themselves to be either a marital and family
 22 therapist or a mental health counselor.

23 Sec. 273. Section 155A.46, subsection 1, paragraph a,
 24 unnumbered paragraph 1, Code 2023, is amended to read as
 25 follows:

26 A pharmacist may, pursuant to statewide protocols developed
 27 by the board in consultation with the department of ~~public~~
 28 health and human services and consistent with subsection 2,
 29 order and administer the following to patients ages eighteen
 30 years and older:

31 Sec. 274. Section 155A.46, subsection 1, paragraph b,
 32 unnumbered paragraph 1, Code 2023, is amended to read as
 33 follows:

34 A pharmacist may, pursuant to statewide protocols developed
 35 by the board in consultation with the department of ~~public~~

1 health and human services and consistent with subsection 2,
2 order and administer the following to patients ages six months
3 and older:

4 Sec. 275. Section 155A.46, subsection 1, paragraph c, Code
5 2023, is amended to read as follows:

6 c. A pharmacist may, pursuant to statewide protocols
7 developed by the board in consultation with the department of
8 public health and human services and consistent with subsection
9 2, order and administer the final two doses in a course of
10 vaccinations for HPV to patients ages eleven years and older.

11 Sec. 276. Section 155A.46, subsection 1, paragraph e,
12 unnumbered paragraph 1, Code 2023, is amended to read as
13 follows:

14 A pharmacist may, pursuant to statewide protocols developed
15 by the board in consultation with the department of ~~public~~
16 health and human services and consistent with subsection 2,
17 order and administer the following to patients ages six years
18 and older:

19 Sec. 277. Section 158.2, subsection 8, Code 2023, is amended
20 to read as follows:

21 8. Persons committed pursuant to chapter 229A to the custody
22 of the director of the department of health and human services
23 in the unit for sexually violent predators who cut the hair or
24 trim or shave the beard of any other person within the unit,
25 without receiving direct compensation from the person receiving
26 the service.

27 Sec. 278. Section 158.3, subsection 1, paragraph d, Code
28 2023, is amended to read as follows:

29 d. Presents a certificate, or satisfactory evidence, to the
30 department that the applicant has successfully completed tenth
31 grade, or the equivalent. The provisions of this subsection
32 shall not apply to students enrolled in a barber school
33 maintained at an institution under the control of ~~a director of~~
34 ~~a division of~~ the department of health and human services.

35 Sec. 279. Section 163.3A, subsection 2, Code 2023, is

1 amended to read as follows:

2 2. The services shall be performed under the direction of
3 the department and may be part of measures authorized by the
4 governor under a declaration or proclamation issued pursuant
5 to chapter 29C. In such case, the department shall cooperate
6 with the ~~Iowa~~ department of ~~public health~~ and human services
7 under chapter 135, ~~and~~ the department of homeland security and
8 emergency management, and local emergency management agencies
9 as provided in chapter 29C.

10 Sec. 280. Section 190B.102, subsection 3, Code 2023, is
11 amended to read as follows:

12 3. The department of agriculture and land stewardship, ~~the~~
13 ~~department of public health~~, the department of health and human
14 services, and the department of inspections and appeals shall
15 cooperate with the department of revenue to administer this
16 subchapter.

17 Sec. 281. Section 204.7, subsection 8, paragraph a,
18 subparagraph (3), Code 2023, is amended to read as follows:

19 (3) The consumable hemp product complies with packaging
20 and labeling requirements, which shall be established by the
21 department of ~~inspections~~ health and appeals human services by
22 rule.

23 Sec. 282. Section 204.7, subsection 8, paragraphs b and c,
24 Code 2023, are amended to read as follows:

25 *b.* A person manufacturing a consumable hemp product in
26 this state shall register with the department of ~~inspections~~
27 health and appeals human services on a form prescribed by
28 the department of ~~inspections~~ health and appeals human
29 services by rule. The department of ~~inspections~~ health and
30 appeals human services may impose a fee, established by the
31 department of ~~inspections~~ health and appeals human services
32 by rule, on a registrant not to exceed the cost of processing
33 the registration. The department of ~~inspections~~ health and
34 appeals human services shall adopt rules for the revocation
35 of a registration issued to a manufacturer who manufactures a

1 consumable hemp product not in compliance with this chapter.

2 *c.* A person selling a consumable hemp product in this state
 3 shall register with the department of ~~inspections~~ health and
 4 ~~appeals~~ human services on a form prescribed by the department
 5 of ~~inspections~~ health and ~~appeals~~ human services by rule and
 6 shall keep on the premises of the person's business a copy
 7 of the certificate of analysis issued pursuant to section
 8 204.8 for the hemp contained in the consumable hemp products
 9 sold by the person. The department of ~~inspections~~ health and
 10 ~~appeals~~ human services may impose a fee, established by the
 11 department of ~~inspections~~ health and ~~appeals~~ human services
 12 by rule, on a registrant not to exceed the cost of processing
 13 the registration. The department of ~~inspections~~ health and
 14 ~~appeals~~ human services shall adopt rules for the revocation of
 15 a registration issued to a person who sells a consumable hemp
 16 product not in compliance with this section.

17 Sec. 283. Section 206.2, subsection 17, paragraph *c*, Code
 18 2023, is amended to read as follows:

19 *c.* To which reference is made on the label or in
 20 literature accompanying the pesticide or device, except when
 21 accurate, nonmisleading reference is made to current official
 22 publications of the United States department of agriculture or
 23 interior, the United States public health service, the state
 24 agricultural experiment stations, the Iowa state university,
 25 the Iowa department of ~~public~~ health and human services, the
 26 department of natural resources, or other similar federal
 27 institutions or official agencies of this state or other
 28 states authorized by law to conduct research in the field of
 29 pesticides.

30 Sec. 284. Section 216.6, subsection 1, paragraph *d*, Code
 31 2023, is amended to read as follows:

32 *d.* Person to solicit or require as a condition of employment
 33 of any employee or prospective employee a test for the presence
 34 of the antibody to the human immunodeficiency virus or to
 35 affect the terms, conditions, or privileges of employment or

1 terminate the employment of any employee solely as a result
 2 of the employee obtaining a test for the presence of the
 3 antibody to the human immunodeficiency virus. An agreement
 4 between an employer, employment agency, labor organization,
 5 or their employees, agents, or members and an employee or
 6 prospective employee concerning employment, pay, or benefits to
 7 an employee or prospective employee in return for taking a test
 8 for the presence of the antibody to the human immunodeficiency
 9 virus, is prohibited. The prohibitions of this paragraph
 10 do not apply if the state epidemiologist determines and the
 11 director of ~~public~~ health and human services declares through
 12 the utilization of guidelines established by the center for
 13 disease control of the United States department of health and
 14 human services, that a person with a condition related to
 15 acquired immune deficiency syndrome poses a significant risk
 16 of transmission of the human immunodeficiency virus to other
 17 persons in a specific occupation.

18 Sec. 285. Section 216A.1, Code 2023, is amended to read as
 19 follows:

20 **216A.1 Department of health and human services — human**
 21 **rights — purpose.**

22 1. A ~~The department of health and human rights is created,~~
 23 ~~with the following divisions and offices~~ services shall be
 24 responsible for all of the following:

25 ~~a. Division of community~~ Community advocacy and services,
 26 with the following offices:

- 27 (1) Office of Latino affairs.
- 28 (2) Office on the status of women.
- 29 (3) Office of persons with disabilities.
- 30 (4) Office of deaf services.
- 31 (5) Office on the status of African Americans.
- 32 (6) Office of Asian and Pacific Islander affairs.
- 33 (7) Office of Native American affairs.

34 ~~b. Division of community~~ Community action agencies.

35 ~~c. Division of criminal~~ Criminal and juvenile justice

1 planning.

2 2. The purpose of the department under this chapter and as
3 otherwise provided by law is to ensure basic rights, freedoms,
4 and opportunities for all by empowering underrepresented Iowans
5 and eliminating economic, social, and cultural barriers.

6 3. The department shall implement the comprehensive
7 strategic plan approved by the board under section 216A.3 and
8 shall issue an annual report to the governor and the general
9 assembly no later than November 1 of each year concerning the
10 operations of the department relating to responsibilities for
11 human rights.

12 Sec. 286. Section 216A.3, Code 2023, is amended to read as
13 follows:

14 **216A.3 Human rights board.**

15 1. A human rights board is created within the department ~~of~~
16 ~~human rights.~~

17 2. The board shall consist of sixteen members, including
18 eleven voting members and five nonvoting members and determined
19 as follows:

20 a. The voting members shall consist of nine voting members
21 selected by each of the permanent commissions within the
22 department, and two voting members, appointed by the governor.
23 For purposes of this paragraph "a", "*permanent commissions*"
24 means the commission of Latino affairs, commission on the
25 status of women, commission of persons with disabilities,
26 commission on community action agencies, commission of deaf
27 services, justice advisory board, commission on the status of
28 African Americans, commission of Asian and Pacific Islander
29 affairs, and commission of Native American affairs. The term
30 of office for voting members is four years.

31 b. The nonvoting members shall consist of the department
32 director, two state representatives, one appointed by the
33 speaker of the house of representatives and one by the minority
34 leader of the house of representatives, and two state senators,
35 one appointed by the majority leader of the senate and one by

1 the minority leader of the senate.

2 3. A majority of the voting members of the board shall
3 constitute a quorum, and the affirmative vote of two-thirds of
4 the voting members present is necessary for any substantive
5 action taken by the board. The board shall select a
6 chairperson from the voting members of the board. The board
7 shall meet not less than four times a year.

8 4. The board shall ~~have the following duties:~~

9 ~~a. Develop~~ develop and monitor implementation of
10 a comprehensive strategic plan to remove barriers for
11 underrepresented populations and, in doing so, to increase
12 Iowa's productivity and inclusivity, including performance
13 measures and benchmarks.

14 ~~b. Approve, disapprove, amend, or modify the budget~~
15 ~~recommended by the department director for the operation of~~
16 ~~the department, subject to the budget requirements pursuant to~~
17 ~~chapter 8.~~

18 ~~c. Adopt administrative rules pursuant to chapter 17A,~~
19 ~~upon the recommendation of the department director, for the~~
20 ~~operation of the department.~~

21 ~~d. By November 1 of each year, approve the department report~~
22 ~~to the general assembly and the governor that covers activities~~
23 ~~during the preceding fiscal year.~~

24 Sec. 287. Section 216A.4, subsections 2 and 3, Code 2023,
25 are amended to read as follows:

26 2. "Department" means the department of health and human
27 rights services.

28 3. ~~"Department director"~~ "Director" means the director of
29 ~~the department of~~ health and human rights services.

30 Sec. 288. Section 216A.6, subsection 2, paragraph d, Code
31 2023, is amended to read as follows:

32 ~~d. Department, or division,~~ or office evaluations of
33 information about a person seeking or receiving advocacy
34 services.

35 Sec. 289. Section 216A.7, Code 2023, is amended to read as

1 follows:

2 **216A.7 Access to information.**

3 Upon request of the director, or an office, a commission,
4 or a council, ~~or administrator of a division of the department~~
5 created under this chapter, all boards, agencies, departments,
6 and offices of the state shall make available nonconfidential
7 information, records, data, and statistics which are relevant
8 to the populations or groups served by the offices, councils,
9 and commissions ~~of the department~~.

10 Sec. 290. Section 216A.11, subsection 2, Code 2023, is
11 amended to read as follows:

12 2. "*Office*" means the office of Latino affairs of the
13 department ~~of human rights~~.

14 Sec. 291. Section 216A.13, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. Serve as liaison between the department ~~of human rights~~
17 and the public, sharing information and gathering constituency
18 input.

19 Sec. 292. Section 216A.15, subsection 4, Code 2023, is
20 amended to read as follows:

21 4. Recommend to the ~~department~~ director policies and
22 programs for the office.

23 Sec. 293. Section 216A.51, subsection 2, Code 2023, is
24 amended to read as follows:

25 2. "*Office*" means the office on the status of women of the
26 department ~~of human rights~~.

27 Sec. 294. Section 216A.71, subsection 2, Code 2023, is
28 amended to read as follows:

29 2. "*Office*" means the office of persons with disabilities of
30 the department ~~of human rights~~.

31 Sec. 295. Section 216A.91, Code 2023, is amended to read as
32 follows:

33 **216A.91 Definitions.**

34 For purposes of this subchapter, unless the context
35 otherwise requires:

- 1 ~~1. "Administrator" means the administrator of the division~~
2 ~~of community action agencies of the department of human rights.~~
3 ~~2. 1. "Commission" means the commission on community action~~
4 ~~agencies.~~
5 ~~3. 2. "Community action agency" means a public agency~~
6 ~~or a private nonprofit agency which is authorized under its~~
7 ~~charter or bylaws to receive funds to administer community~~
8 ~~action programs and is designated by the governor to receive~~
9 ~~and administer the funds.~~
10 ~~4. 3. "Community action program" means a program conducted~~
11 ~~by a community action agency which includes projects to provide~~
12 ~~a range of services to improve the conditions of poverty in the~~
13 ~~area served by the community action agency.~~
14 ~~5. "Delegate agency" means a subgrantee or contractor~~
15 ~~selected by the community action agency.~~
16 ~~6. "Division" means the division of community action~~
17 ~~agencies of the department of human rights.~~

18 Sec. 296. Section 216A.92, Code 2023, is amended to read as
19 follows:

20 **216A.92 ~~Division of community~~ Community action agencies.**

21 ~~1. The division of community action agencies is~~
22 ~~established. The purpose of the division of community action~~
23 ~~agencies is to~~ The department shall strengthen, supplement,
24 and coordinate efforts to develop the full potential of each
25 citizen by recognizing certain community action agencies and
26 supporting certain community-based programs delivered by
27 community action agencies.

28 2. The ~~division~~ department shall do all of the following:

29 a. Provide financial assistance for community action
30 agencies to implement community action programs, as permitted
31 by the community service block grant and subject to the funding
32 made available for the program.

33 b. Administer the community services block grant, the
34 low-income energy assistance block grants, department of energy
35 funds for weatherization, and other possible funding sources.

1 If a political subdivision is the community action agency,
2 the financial assistance shall be allocated to the political
3 subdivision.

4 c. Implement accountability measures for its programs and
5 require regular reporting on the measures by the community
6 action agencies.

7 d. Issue an annual report to the governor and general
8 assembly by July 1 of each year.

9 Sec. 297. Section 216A.92B, subsections 1 and 3, Code 2023,
10 are amended to read as follows:

11 1. Recommend to the board the adoption of rules pursuant
12 to chapter 17A as it deems necessary for the commission and
13 ~~division~~ department.

14 3. Serve as liaisons between the ~~division~~ department and the
15 public, sharing information and gathering constituency input.

16 Sec. 298. Section 216A.93, Code 2023, is amended to read as
17 follows:

18 **216A.93 Establishment of community action agencies.**

19 The ~~division~~ department shall recognize and assist in the
20 designation of certain community action agencies to assist in
21 the delivery of community action programs. These programs
22 shall include but not be limited to outreach, community
23 services block grant, low-income energy assistance, and
24 weatherization programs. If a community action agency is in
25 effect and currently serving an area, that community action
26 agency shall become the designated community action agency
27 for that area. If any geographic area of the state ceases
28 to be served by a designated community action agency, the
29 ~~division~~ department may solicit applications and assist the
30 governor in designating a community action agency for that
31 area in accordance with current community services block grant
32 requirements.

33 Sec. 299. Section 216A.98, Code 2023, is amended to read as
34 follows:

35 **216A.98 Audit.**

1 Each community action agency shall be audited annually but
2 shall not be required to obtain a duplicate audit to meet the
3 requirements of this section. In lieu of an audit by the
4 auditor of state, the community action agency may contract with
5 or employ a certified public accountant to conduct the audit,
6 pursuant to the applicable terms and conditions prescribed by
7 sections 11.6, 11.14, and 11.19 and an audit format prescribed
8 by the auditor of state. Copies of each audit shall be
9 furnished to the ~~division~~ department in a manner prescribed by
10 the ~~division~~ department.

11 Sec. 300. Section 216A.99, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. The ~~administrator~~ department shall provide financial
14 assistance for community action agencies to implement community
15 action programs, as permitted by the community service block
16 grant, administer the low-income energy assistance block
17 grants, department of energy funds for weatherization received
18 in Iowa, and other possible funding sources.

19 Sec. 301. Section 216A.102, subsection 3, Code 2023, is
20 amended to read as follows:

21 3. Under rules ~~developed~~ adopted by the ~~division of~~
22 ~~community action agencies of the department of human rights~~
23 ~~and adopted by the board~~, the fund may be used to negotiate
24 reconnection of essential utility services with the energy
25 provider.

26 Sec. 302. Section 216A.104, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. The general assembly finds that provision of assistance
29 to prevent utility disconnections will also prevent the
30 development of public health risks due to such disconnections.
31 The ~~division~~ department shall establish an energy utility
32 assessment and resolution program administered by each
33 community action agency for persons with low incomes who have
34 or need a deferred payment agreement or are in need of an
35 emergency fuel delivery to address home energy utility costs.

1 Sec. 303. Section 216A.104, subsection 2, paragraphs b and
2 f, Code 2023, are amended to read as follows:

3 ~~b.~~ The person is a residential customer of an energy utility
4 approved for the program by the ~~division~~ department.

5 ~~f.~~ The person complies with other eligibility requirements
6 adopted in rules by the ~~division~~ department.

7 Sec. 304. Section 216A.107, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. A family development and self-sufficiency council is
10 established within the department ~~of human rights~~. The council
11 shall consist of the following persons:

12 ~~a.~~ The director of the department ~~of human services~~ or the
13 director's designee.

14 ~~b.~~ ~~The director of the department of public health or the~~
15 ~~director's designee.~~

16 ~~c.~~ ~~The administrator of the division of community~~
17 ~~action agencies of the department of human rights or the~~
18 ~~administrator's designee.~~

19 ~~d.~~ b. The director of the school of social work at the
20 university of Iowa or the director's designee.

21 ~~e.~~ c. The dean of the college of human sciences at Iowa
22 state university or the dean's designee.

23 ~~f.~~ d. Two recipients or former recipients of the family
24 investment program, selected by the other members of the
25 council.

26 ~~g.~~ e. One recipient or former recipient of the family
27 investment program who is a member of a racial or ethnic
28 minority, selected by the other members of the council.

29 ~~h.~~ f. One member representing providers of services to
30 victims of domestic violence, selected by the other members of
31 the council.

32 ~~i.~~ g. The head of the department of design, textiles,
33 gerontology, and family studies at the university of northern
34 Iowa or that person's designee.

35 ~~j.~~ h. The director of the department of education or the

1 director's designee.

2 ~~k.~~ i. The director of the department of workforce
3 development or the director's designee.

4 ~~i.~~ j. Two persons representing the business community,
5 selected by the other members of the council.

6 ~~m.~~ k. Two members from each chamber of the general
7 assembly serving as ex officio, nonvoting members. The two
8 members of the senate shall be appointed one each by the
9 majority leader and the minority leader of the senate. The two
10 members of the house of representatives shall be appointed one
11 each by the speaker and the minority leader of the house of
12 representatives.

13 Sec. 305. Section 216A.107, subsection 3, paragraph c,
14 subparagraphs (1) and (3), Code 2023, are amended to read as
15 follows:

16 (1) Designation of families to be served that meet one or
17 more criteria for being at risk of dependency on the family
18 investment program or of family instability, and agreement
19 to serve clients that are referred by the department of
20 ~~human services~~ from the family investment program which
21 meet the criteria. The criteria may include but are not
22 limited to factors such as educational level, work history,
23 family structure, age of the youngest child in the family,
24 previous length of stay on the family investment program, and
25 participation in the family investment program or the foster
26 care program while the head of a household was a child. Grant
27 proposals shall also establish the number of families to be
28 served under the grant.

29 (3) Designation of the manner in which other needs of the
30 families will be provided for, including but not limited to
31 child care assistance, transportation, substance ~~abuse~~ use
32 disorder treatment, support group counseling, food, clothing,
33 and housing.

34 Sec. 306. Section 216A.107, subsection 4, Code 2023, is
35 amended to read as follows:

1 4. *a.* The ~~division~~ department shall administer the family
2 development and self-sufficiency grant program. ~~The department~~
3 ~~of human services shall disclose to the division confidential~~
4 ~~information pertaining to individuals receiving services under~~
5 ~~the grant program, as authorized under section 217.30. The~~
6 ~~division and the department of human services shall share~~
7 ~~information and data necessary for tracking performance~~
8 ~~measures of the family development and self-sufficiency grant~~
9 ~~program, for referring families participating in the promoting~~
10 ~~independence and self-sufficiency through employment job~~
11 ~~opportunities and basic skills (PROMISE JOBS) program under~~
12 ~~section 239B.17 and related activities and programs to the~~
13 ~~grant program, and for meeting federal reporting requirements.~~
14 ~~The division and the department of human services may by mutual~~
15 ~~agreement, as specified in the memorandum of agreement entered~~
16 ~~into in accordance with paragraph "b", add to or delete from~~
17 ~~the initial shared information items listed in this lettered~~
18 ~~paragraph. The initial shared information shall include but is~~
19 ~~not limited to all of the following:~~

20 ~~(1) Family enrollments and exits to and from each of the~~
21 ~~programs.~~

22 ~~(2) Monthly reports of individual participant activity in~~
23 ~~PROMISE JOBS components that are countable work activities~~
24 ~~according to federal guidelines applicable to those components.~~

25 ~~(3) Aggregate grant program participant activity in all~~
26 ~~PROMISE JOBS program components.~~

27 ~~(4) Work participation rates for grant program participants~~
28 ~~who were active family investment program participants.~~

29 ~~(5) The average hourly wage of grant program participants~~
30 ~~who left the family investment program.~~

31 ~~(6) The percentage of grant program participants who exited~~
32 ~~from the grant program at or after the time family investment~~
33 ~~program participation ended and did not reenroll in the family~~
34 ~~investment program for at least one year.~~

35 ~~*b.* The division shall develop a memorandum of agreement~~

1 ~~with the department of human services to share outcome data and~~
 2 ~~coordinate referrals and delivery of services to participants~~
 3 ~~in the family investment program under chapter 239B and the~~
 4 ~~grant program and other shared clients and shall provide the~~
 5 ~~department of human services with information necessary for~~
 6 ~~compliance with federal temporary assistance for needy families~~
 7 ~~block grant state plan and reporting requirements, including~~
 8 ~~but not limited to financial and data reports.~~

9 ~~e.~~ b. To the extent that the family development and
 10 self-sufficiency grant program is funded by the federal
 11 temporary assistance for needy families block grant and by the
 12 state maintenance of efforts funds appropriated in connection
 13 with the block grant, the ~~division~~ department shall comply with
 14 all federal requirements for the block grant. The ~~division~~
 15 department is responsible for payment of any federal penalty
 16 imposed that is attributable to the grant program and shall
 17 receive any federal bonus payment attributable to the grant
 18 program.

19 ~~d.~~ c. The ~~division~~ department shall ensure that
 20 expenditures of moneys appropriated to the department ~~of human~~
 21 ~~services~~ from the general fund of the state for the family
 22 development and self-sufficiency grant program are eligible to
 23 be considered as state maintenance of effort expenditures under
 24 federal temporary assistance for needy families block grant
 25 requirements.

26 ~~e.~~ d. The ~~commission~~ department shall consider the
 27 recommendations of the council in adopting rules pertaining to
 28 the grant program.

29 ~~f.~~ e. The ~~division~~ department shall submit to the governor
 30 and general assembly on or before November 30 following the
 31 end of each state fiscal year, a report detailing performance
 32 measure and outcome data evaluating the family development and
 33 self-sufficiency grant program for the fiscal year that just
 34 ended.

35 Sec. 307. Section 216A.111, subsection 2, Code 2023, is

1 amended to read as follows:

2 2. "Office" means the office of deaf services of the
3 department ~~of human rights~~.

4 Sec. 308. Section 216A.131, Code 2023, is amended to read
5 as follows:

6 **216A.131 Definitions.**

7 For the purpose of this subchapter, unless the context
8 otherwise requires:

9 1. ~~"Administrator" means the administrator of the division~~
10 ~~of criminal and juvenile justice planning.~~

11 2. 1. "Board" means the justice advisory board.

12 3. 2. "Department" means the department of health and human
13 rights services.

14 4. ~~"Division" means the division of criminal and juvenile~~
15 ~~justice planning.~~

16 Sec. 309. Section 216A.131A, Code 2023, is amended to read
17 as follows:

18 **216A.131A ~~Division of criminal~~ Criminal and juvenile justice**
19 **planning.**

20 ~~The division of criminal and juvenile justice planning is~~
21 ~~established to~~ department shall fulfill the responsibilities
22 of this subchapter, including the duties specified in sections
23 216A.135, 216A.136, 216A.137, 216A.138, and 216A.140.

24 Sec. 310. Section 216A.132, subsection 1, paragraph b, Code
25 2023, is amended to read as follows:

26 b. Additional voting members of the board, each serving a
27 four-year term, shall include one representative from each of
28 the following:

29 (1) The Iowa coalition against sexual assault.

30 (2) The American civil liberties union of Iowa.

31 (3) The Iowa county attorneys association.

32 (4) The department of health and human services.

33 (5) The department of corrections.

34 (6) A judicial district department of correctional
35 services.

- 1 (7) The department of public safety.
2 ~~(8) The office on the status of African Americans.~~
3 ~~(9) The department of public health.~~
4 ~~(10)~~ (8) The board of parole.
5 ~~(11)~~ (9) The department of justice.
6 ~~(12)~~ (10) The state public defender.
7 ~~(13)~~ (11) The ~~governor's~~ office of drug control policy.

8 Sec. 311. Section 216A.132, subsection 3, Code 2023, is
9 amended to read as follows:

10 3. Members of the board shall receive reimbursement
11 from the state for actual and necessary expenses incurred
12 in the performance of their official duties and may also
13 be eligible to receive compensation as provided in section
14 7E.6. All expense moneys paid to nonlegislative members shall
15 be paid from funds appropriated to the ~~division~~ department.
16 Legislative members shall receive compensation as provided in
17 sections 2.10 and 2.12.

18 Sec. 312. Section 216A.133, subsection 2, Code 2023, is
19 amended to read as follows:

20 2. The board shall advise the ~~division~~ department on its
21 administration of state and federal grants and appropriations
22 and shall carry out other functions consistent with this
23 subchapter.

24 Sec. 313. Section 216A.133, subsection 3, paragraphs i, j,
25 k, l, and r, Code 2023, are amended to read as follows:

26 i. Providing input to the ~~department~~ director in the
27 development of budget recommendations for the ~~division~~
28 department.

29 ~~j. Coordinating with the administrator to develop and~~
30 ~~make~~ Developing and making recommendations to the ~~department~~
31 ~~director pursuant to section 216A.2.~~

32 k. Serving as a liaison between the ~~division~~ department
33 and the public, sharing information and gathering constituency
34 input.

35 l. Recommending to the department the adoption of rules

1 pursuant to chapter 17A as it deems necessary for the board and
2 ~~division~~ department.

3 *r.* Reviewing data supplied by the ~~division~~ department, the
4 department of management, the legislative services agency, the
5 Iowa supreme court, and other departments or agencies for the
6 purpose of determining the effectiveness and efficiency of the
7 collection of such data.

8 Sec. 314. Section 216A.136, unnumbered paragraph 1, Code
9 2023, is amended to read as follows:

10 The ~~division~~ department shall maintain an Iowa statistical
11 analysis center for the purpose of coordinating with data
12 resource agencies to provide data and analytical information to
13 federal, state, and local governments, and assist agencies in
14 the use of criminal and juvenile justice data. Notwithstanding
15 any other provision of state law, unless prohibited by federal
16 law or regulation, the ~~division~~ department shall be granted
17 access, for purposes of research and evaluation, to criminal
18 history records, official juvenile court records, juvenile
19 court social records, and any other data collected or under
20 control of the board of parole, department of corrections,
21 department of workforce development, district departments of
22 correctional services, ~~department of human services~~, judicial
23 branch, and department of public safety. However, intelligence
24 data and peace officer investigative reports maintained by the
25 department of public safety shall not be considered data for
26 the purposes of this section. Any record, data, or information
27 obtained by the ~~division~~ department under this section and
28 the ~~division~~ department itself is subject to the federal and
29 state confidentiality laws and regulations which are applicable
30 to the original record, data, or information obtained by the
31 ~~division~~ department and to the original custodian of the
32 record, data, or information. The access shall include but is
33 not limited to all of the following:

34 Sec. 315. Section 216A.137, Code 2023, is amended to read
35 as follows:

1 **216A.137 Correctional policy project.**

2 1. The ~~division~~ department shall maintain an Iowa
3 correctional policy project for the purpose of conducting
4 analyses of major correctional issues affecting the criminal
5 and juvenile justice system. The board shall identify and
6 prioritize the issues and studies to be addressed by the
7 ~~division~~ department through this project and shall report
8 project plans and findings annually along with the report
9 required in section 216A.135. Issues and studies to be
10 considered by the board shall include but are not limited
11 to a review of the information systems available to assess
12 corrections trends and program effectiveness, the development
13 of an evaluation plan for assessing the impact of corrections
14 expenditures, and a study of the desirability and feasibility
15 of changing the state's sentencing practices, which includes
16 a prison population forecast.

17 2. The ~~division~~ department may form subcommittees for the
18 purpose of addressing major correctional issues affecting the
19 criminal and juvenile justice system. The ~~division~~ department
20 shall establish a subcommittee to address issues specifically
21 affecting the juvenile justice system.

22 Sec. 316. Section 216A.138, subsections 1, 2, 4, and 7, Code
23 2023, are amended to read as follows:

24 1. The ~~division~~ department shall coordinate the development
25 of a multiagency database to track the progress of juveniles
26 through various state and local agencies and programs. The
27 ~~division~~ department shall develop a plan which utilizes
28 existing databases, including the Iowa court information
29 system, the federally mandated national adoption and foster
30 care information system, and the other state and local
31 databases pertaining to juveniles, to the extent possible.

32 2. The department of ~~human services, department of~~
33 corrections, judicial branch, department of public safety,
34 department of education, local school districts, and other
35 state agencies and political subdivisions shall cooperate with

1 the ~~division~~ department in the development of the plan.

2 4. The ~~division~~ department shall develop the plan within
3 the context of existing federal privacy and confidentiality
4 requirements. The plan shall build upon existing resources and
5 facilities to the extent possible.

6 7. If the ~~division~~ department has insufficient funds and
7 resources to implement this section, the ~~division~~ department
8 shall determine what, if any, portion of this section may be
9 implemented, and the remainder of this section shall not apply.

10 Sec. 317. Section 216A.140, subsection 5, Code 2023, is
11 amended to read as follows:

12 5. *Membership.* The youth development council membership
13 shall be determined by the council itself and shall include the
14 directors or chief administrators, or their designees, from the
15 following state agencies and programs:

16 a. Child advocacy board.

17 ~~b. Iowa commission on volunteer service in the office of~~
18 ~~the governor.~~

19 ~~c. b.~~ Department of education.

20 ~~d.~~ Department of human rights.

21 ~~e.~~ Department of human services.

22 ~~f.~~ c. Department of public health and human services.

23 ~~g.~~ d. Department of workforce development.

24 ~~h.~~ e. Governor's office Office of drug control policy.

25 ~~i.~~ f. Iowa cooperative extension service in agriculture and
26 home economics.

27 ~~j.~~ Early childhood Iowa office in the department of
28 management.

29 Sec. 318. Section 216A.140, subsection 8, paragraphs b and
30 c, Code 2023, are amended to read as follows:

31 b. The youth advisory council shall consist of no more
32 than twenty-one youth ages fourteen through twenty years who
33 reside in Iowa. Membership shall be for two-year staggered
34 terms. The ~~department~~ director, or the director's designee,
35 shall select council members using an application process. The

1 ~~department~~ director or the director's designee shall strive
2 to maintain a diverse council membership and shall take into
3 consideration race, ethnicity, disabilities, gender, and
4 geographic location of residence of the applicants.

5 *c.* Except as otherwise provided by law, the youth advisory
6 council shall determine its own rules of procedure and
7 operating policies, subject to approval by the ~~department~~
8 director or the director's designee.

9 Sec. 319. Section 216A.141, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. "*Office*" means the office on the status of African
12 Americans of the department ~~of human rights~~.

13 Sec. 320. Section 216A.151, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. "*Office*" means the office of Asian and Pacific Islander
16 affairs of the department ~~of human rights~~.

17 Sec. 321. Section 216A.161, subsection 2, Code 2023, is
18 amended to read as follows:

19 2. "*Office*" means the office of Native American affairs of
20 the department ~~of human rights~~.

21 Sec. 322. Section 216D.2, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. "*Public office building*" means the state capitol, all
24 county courthouses, all city halls, and all buildings used
25 primarily for governmental offices of the state or any county
26 or city. It does not include public schools or buildings
27 at institutions of the state board of regents or the ~~state~~
28 department of health and human services.

29 Sec. 323. NEW SECTION. 217.01 Definitions.

30 As used in this chapter, unless the context otherwise
31 requires:

32 1. "*Council*" means the council on health and human services.

33 2. "*Department*" means the department of health and human
34 services.

35 3. "*Director*" means the director of health and human

1 services.

2 Sec. 324. Section 217.1, Code 2023, is amended to read as
3 follows:

4 **217.1 Programs of department.**

5 There is established a department of health and human
6 services to administer programs designed to protect and improve
7 the health, well-being, and productivity of the people of
8 the state of Iowa. The department shall concern itself with
9 the problems of human behavior, adjustment, and daily living
10 through the administration of programs of family, child, and
11 adult welfare, economic assistance including costs of medical
12 care, rehabilitation toward self-care and support, delinquency
13 prevention and control, treatment and rehabilitation of
14 juvenile offenders, care and treatment of persons with mental
15 illness or an intellectual disability, public health, and other
16 related programs as provided by law.

17 Sec. 325. Section 217.2, Code 2023, is amended to read as
18 follows:

19 **217.2 Council on health and human services.**

20 1. a. There is created within the department ~~of human~~
21 ~~services~~ a council on health and human services which shall
22 act in a policymaking and advisory capacity on matters within
23 the jurisdiction of the department. The council shall consist
24 of ~~seven~~ nine voting members appointed by the governor subject
25 to confirmation by the senate. Appointments shall be made
26 on the basis of interest in public affairs, good judgment,
27 and knowledge and ability in the field of health and human
28 services. Appointments shall be made to provide a diversity of
29 interest and point of view in the membership and without regard
30 to religious opinions or affiliations. The voting members of
31 the council shall serve for six-year staggered terms.

32 b. Each term of a voting member shall commence and end as
33 provided by section 69.19.

34 c. All voting members of the council shall be electors
35 of the state of Iowa. No more than ~~four~~ five members shall

1 belong to the same political party and no more than ~~two~~ three
 2 members shall, at the time of appointment, reside in the same
 3 congressional district. At least one member of the council
 4 shall be a member of a county board of supervisors at the time
 5 of appointment to the council. At least one member of the
 6 council shall be a physician licensed to practice medicine in
 7 Iowa. Vacancies occurring during a term of office shall be
 8 filled in the same manner as the original appointment for the
 9 balance of the unexpired term subject to confirmation by the
 10 senate.

11 2. In addition to the voting members described in subsection
 12 1, the membership of the council shall include four legislators
 13 as ex officio, nonvoting members. The four legislators shall
 14 be appointed one each by the majority leader of the senate,
 15 the minority leader of the senate, the speaker of the house
 16 of representatives, and the minority leader of the house of
 17 representatives for terms as provided in section 69.16B.

18 Sec. 326. Section 217.3, Code 2023, is amended to read as
 19 follows:

20 **217.3 Duties of council.**

21 The council ~~on human services~~ shall:

22 1. Organize annually and select a chairperson and vice
 23 chairperson.

24 2. Adopt and establish policy for the operation and
 25 conduct of the department ~~of human services~~, subject to any
 26 guidelines which may be adopted by the general assembly, and
 27 the implementation of all services and programs ~~thereunder~~
 28 administered by the department.

29 3. Report immediately to the governor any failure by the
 30 ~~director or any administrator of the department of human~~
 31 ~~services~~ to carry out any of the policy decisions or directives
 32 of the council.

33 4. Approve the budget of the department ~~of human services~~
 34 prior to submission to the governor. Prior to approval of the
 35 budget, the council shall publicize and hold a public hearing

1 to provide explanations and hear questions, opinions, and
 2 suggestions regarding the budget. Invitations to the hearing
 3 shall be extended to the governor, the governor-elect, the
 4 director of the department of management, and other persons
 5 deemed by the council as integral to the budget process. The
 6 budget materials submitted to the governor shall include a
 7 review of options for revising the medical assistance program
 8 made available by federal action or by actions implemented
 9 by other states as identified by the department, the medical
 10 assistance advisory council created in section 249A.4B, and
 11 by county representatives. The review shall address what
 12 potential revisions could be made in this state and how the
 13 changes would be beneficial to Iowans.

14 5. Insure that all programs administered or services
 15 rendered by the department directly to any citizen or through
 16 a local agency to any citizen are coordinated and integrated
 17 so that any citizen does not receive a duplication of services
 18 from various departments or local agencies that could be
 19 rendered by one department or local agency. If the council
 20 finds that such is not the case, it shall hear and determine
 21 which department or local agency shall provide the needed
 22 service or services and enter an order of their determination
 23 by resolution of the council which must be concurred in by
 24 at least a majority of the members. Thereafter such order
 25 or resolution of the council shall be obeyed by all state
 26 departments and local agencies to which it is directed.

27 6. Adopt all necessary rules recommended by the ~~director or~~
 28 ~~administrators of divisions hereinafter established~~ department
 29 prior to their promulgation pursuant to chapter 17A.

30 ~~7. Approve the establishment of any new division or~~
 31 ~~reorganization, consolidation or abolition of any established~~
 32 ~~division prior to the same becoming effective.~~

33 ~~8.~~ 7. Recommend to the governor the names of individuals
 34 qualified for the position of director ~~of human services~~ when a
 35 vacancy exists in the office.

1 Sec. 327. Section 217.3A, Code 2023, is amended to read as
2 follows:

3 **217.3A Advisory committees.**

4 ~~1. *General.* The council on human services shall establish~~
5 ~~and utilize the advisory committee identified in this section~~
6 ~~and may establish and utilize other ad hoc advisory committees~~
7 ~~as determined necessary to advise the council. The council~~
8 shall establish appointment provisions, membership terms,
9 operating guidelines, and other operational requirements for
10 committees established pursuant to this section.

11 ~~2. *Child abuse prevention.* The council shall establish a~~
12 ~~child abuse prevention program advisory committee to support~~
13 ~~the child abuse prevention program implemented in accordance~~
14 ~~with section 235A.1. The duties of the advisory committee~~
15 ~~shall include all of the following:~~

16 ~~a. Advise the director of human services and the~~
17 ~~administrator of the division of the department of human~~
18 ~~services responsible for child and family programs regarding~~
19 ~~expenditures of funds received for the child abuse prevention~~
20 ~~program.~~

21 ~~b. Review the implementation and effectiveness of~~
22 ~~legislation and administrative rules concerning the child abuse~~
23 ~~prevention program.~~

24 ~~c. Recommend changes in legislation and administrative rules~~
25 ~~to the general assembly and the appropriate administrative~~
26 ~~officials.~~

27 ~~d. Require reports from state agencies and other entities as~~
28 ~~necessary to perform its duties.~~

29 ~~e. Receive and review complaints from the public concerning~~
30 ~~the operation and management of the child abuse prevention~~
31 ~~program.~~

32 ~~f. Approve grant proposals.~~

33 Sec. 328. Section 217.4, Code 2023, is amended to read as
34 follows:

35 **217.4 Meetings of council.**

1 The council shall meet at least monthly. Additional
 2 meetings shall be called by the chairperson or upon written
 3 request of any three council members ~~thereof~~ as necessary to
 4 carry out the duties of the council. The chairperson shall
 5 preside at all meetings or in the absence of the chairperson
 6 the vice chairperson shall preside. The members of the council
 7 shall be paid a per diem as specified in section 7E.6 and their
 8 reasonable and necessary expenses.

9 Sec. 329. Section 217.5, Code 2023, is amended to read as
 10 follows:

11 **217.5 Director of health and human services.**

12 The chief administrative officer for the department ~~of human~~
 13 ~~services~~ is the director ~~of human services~~. The director shall
 14 be appointed by the governor subject to confirmation by the
 15 senate and shall serve at the pleasure of the governor. The
 16 governor shall fill a vacancy in this office in the same manner
 17 as the original appointment was made. The director shall be
 18 selected primarily for administrative ability. The director
 19 shall not be selected on the basis of political affiliation
 20 and shall not engage in political activity while holding this
 21 position.

22 Sec. 330. NEW SECTION. **217.5A Attorneys — legal counsel**
 23 **and advice.**

24 Notwithstanding section 13.7, the department may employ or
 25 retain attorneys to provide legal counsel and advice. However,
 26 section 13.7 shall govern the employment or retention of
 27 attorneys by the department to represent the department in any
 28 action or proceeding brought in any court or tribunal.

29 Sec. 331. Section 217.6, Code 2023, is amended to read as
 30 follows:

31 **217.6 Rules and regulations — organization of department.**

32 1. The director ~~is hereby authorized to~~ may recommend
 33 to the council for adoption ~~such~~ rules and regulations ~~as~~
 34 ~~are necessary to carry into practice~~ administer the duties,
 35 functions, and programs of the ~~various divisions and to~~

1 ~~establish such divisions and to assign or reassign duties,~~
 2 ~~powers, and responsibilities within the department, all with~~
 3 ~~the approval of the council on human services, within the~~
 4 ~~department as the director deems necessary and appropriate~~
 5 ~~for the proper administration of the duties, functions and~~
 6 ~~programs with which the department is charged.~~ Any action
 7 taken, decision made, or administrative rule adopted by any
 8 administrator of a division may be reviewed by the director.
 9 The director, upon such review, may affirm, modify, or reverse
 10 any such action, decision, or rule.

11 2. The rules and regulations adopted for the public benefits
 12 and programs administered by the department ~~of human services~~
 13 shall apply the residency eligibility restrictions required by
 14 federal and state law.

15 3. The director shall organize the department ~~of human~~
 16 ~~services~~ into divisions subunits as necessary to most
 17 efficiently carry out ~~in an efficient manner~~ the intent
 18 of this chapter and any other chapter the department is
 19 responsible for administering. ~~The department of human~~
 20 ~~services may be initially divided into the following divisions~~
 21 ~~of responsibility:~~

- 22 ~~a. The division of child and family services.~~
- 23 ~~b. The division of mental health and disability services.~~
- 24 ~~c. The division of administration.~~
- 25 ~~d. The division of planning, research, and statistics.~~

26 4. If the department ~~of human services~~ requires or requests
 27 a service consumer, service provider, or other person to
 28 maintain required documentation in electronic form, the
 29 department shall accept such documentation submitted by
 30 electronic means and shall not require a physical copy of the
 31 documentation unless required by state or federal law.

32 Sec. 332. Section 217.13, Code 2023, is amended to read as
 33 follows:

34 217.13 Department to provide certain volunteer services —
 35 volunteer liability.

1 1. The department ~~of human services~~ shall establish
2 volunteer programs designed to enhance the services provided
3 by the department. Roles for volunteers may include but shall
4 not be limited to parent aides, friendly visitors, commodity
5 distributors, clerical assistants, medical transporters, and
6 other functions to complement and supplement the department's
7 work with clients. Roles for volunteers shall include
8 conservators and guardians. The department shall adopt rules
9 for programs which are established.

10 2. a. The director shall appoint a coordinator of volunteer
11 services to oversee the provision of services of volunteer
12 conservators and guardians on a volunteer basis to individuals
13 in this state requiring such services. The coordinator,
14 after consulting with personnel assigned to the district of
15 the department, shall recommend to the director how best to
16 serve the needs of individuals in need of the services of a
17 guardian or conservator. Where possible, the coordinator shall
18 recommend that the services be provided on a multicounty basis.

19 b. The coordinator shall cooperate with the ~~administrators~~
20 ~~of the divisions of the~~ department in providing these services
21 and shall seek out alternative sources for providing the
22 services required under this section.

23 3. All volunteers registered with the department and
24 in compliance with departmental rules are considered state
25 employees for purposes of chapter 669. However, this section
26 does not except a conservator or guardian from an action
27 brought under section 658.1A or 658.3. This section does not
28 relieve a guardian or conservator from duties under chapter
29 633.

30 Sec. 333. Section 217.18, Code 2023, is amended to read as
31 follows:

32 **217.18 Official seal.**

33 The department shall have an official seal with the words
34 "Iowa Department of Health and Human Services" and such other
35 design as the department prescribes engraved ~~thereon~~ on the

1 seal. Every commission, order, or other paper of an official
2 nature executed by the department may be attested with ~~such~~ the
3 seal.

4 Sec. 334. Section 217.19, Code 2023, is amended to read as
5 follows:

6 **217.19 Expenses.**

7 1. The director ~~of said department,~~ and the director's
8 staff, assistants, and employees shall, in addition to salary,
9 receive their necessary traveling expenses by the nearest
10 traveled and practicable route, when engaged in the performance
11 of official business.

12 2. The department of administrative services shall work
13 with the department ~~of human services~~ to develop and implement
14 an expense policy applicable to the members of a board,
15 commission, committee, or other body under the auspices of the
16 department ~~of human services~~ who meet the income requirements
17 for payment of per diem in accordance with section 7E.6,
18 subsection 2. The policy shall allow for the payment of
19 the member's expenses to be addressed through use of direct
20 billings, travel purchase card, prepaid expenses, or other
21 alternative means of addressing the expenses in lieu of
22 reimbursement of the member.

23 Sec. 335. Section 217.21, Code 2023, is amended to read as
24 follows:

25 **217.21 Annual report.**

26 The department shall, annually, at the time provided by law
27 make a report to the governor and general assembly, and cover
28 ~~therein~~ in the report the annual period ending with June 30
29 preceding, which report shall ~~embrace~~ include:

30 1. An itemized statement of ~~its~~ the department's
31 expenditures concerning each program under ~~its~~ the department's
32 administration.

33 2. Adequate and complete statistical reports for the
34 state as a whole concerning all payments made under ~~its~~ the
35 department's administration.

1 3. Such recommendations as to changes in laws under ~~its~~ the
2 department's administration as the director may deem necessary.

3 4. The observations and recommendations of the director and
4 the council ~~on human services~~ relative to the programs of the
5 department.

6 5. Such other information as the director or council ~~on~~
7 ~~human services may deem~~ deems advisable, or which may be
8 requested by the governor or by the general assembly.

9 Sec. 336. Section 217.23, Code 2023, is amended to read as
10 follows:

11 **217.23 Personnel — merit system — reimbursement for damaged**
12 **property.**

13 1. The director ~~of human services~~ or the director's
14 designee, shall employ ~~such~~ personnel as ~~are~~ necessary for the
15 performance of the duties and responsibilities assigned to
16 the department. All employees shall be selected on a basis
17 of fitness for the work to be performed with due regard to
18 training and experience and shall be subject to the provisions
19 of chapter 8A, subchapter IV.

20 2. The department may expend moneys from the support
21 allocation of the department as reimbursement for replacement
22 or repair of personal items of the department's employees
23 damaged or destroyed by clients of the department during the
24 employee's tour of duty. However, the reimbursement shall not
25 exceed three hundred dollars for each item. The department
26 shall establish rules in accordance with chapter 17A to carry
27 out the purpose of this section.

28 Sec. 337. Section 217.24, Code 2023, is amended to read as
29 follows:

30 **217.24 Payment by electronic funds transfer.**

31 The department ~~of human services~~ shall continue expanding
32 the practice of making payments to program participants and
33 vendors by means of electronic funds transfer. The department
34 shall seek the capacity for making payment by such means for
35 all programs administered by the department.

1 Sec. 338. Section 217.32, Code 2023, is amended to read as
2 follows:

3 **217.32 Office space in county.**

4 ~~Where~~ When the department ~~of human services~~ assigns
5 personnel to an office located in a county for the purpose of
6 performing in that county designated eligibility for economic
7 and medical assistance programs and protective services duties
8 and responsibilities assigned by law to the department, it
9 shall be the responsibility of the county to provide and
10 maintain the necessary office space and office supplies and
11 equipment for the personnel so assigned in the same manner as
12 if they were employees of the county. The department shall at
13 least annually, or more frequently if the department ~~so~~ elects,
14 reimburse the county for a portion, designated by law, of the
15 cost of maintaining office space and providing supplies and
16 equipment as required by this section, and also for a similar
17 portion of the cost of providing the necessary office space if
18 in order to do so it is necessary for the county to lease office
19 space outside the courthouse or any other building owned by the
20 county. The portion of the ~~foregoing~~ costs reimbursed to the
21 county under this section shall be equivalent to the proportion
22 of those costs which the federal government authorizes to be
23 paid from available federal funds, unless the general assembly
24 directs otherwise when appropriating funds for support of the
25 department.

26 Sec. 339. Section 217.33, Code 2023, is amended to read as
27 follows:

28 **217.33 Legal services.**

29 The director ~~of human services~~ pursuant to a state plan
30 funded in part by the federal government may provide services
31 for eligible persons by contract with nonprofit legal aid
32 organizations.

33 Sec. 340. Section 217.34, Code 2023, is amended to read as
34 follows:

35 **217.34 Debt setoff.**

1 The investigations division of the department of inspections
 2 and appeals and the department ~~of human services~~ shall provide
 3 assistance to set off against a person's or provider's income
 4 tax refund or rebate any debt which has accrued through written
 5 contract, nonpayment of premiums pursuant to section 249A.3,
 6 subsection 2, paragraph "a", subparagraph (1), subrogation,
 7 departmental recoupment procedures, or court judgment and which
 8 is in the form of a liquidated sum due and owing the department
 9 ~~of human services~~. The department of inspections and appeals,
 10 with approval of the department ~~of human services~~, shall adopt
 11 rules under chapter 17A necessary to assist the department of
 12 administrative services in the implementation of the setoff
 13 under section 8A.504 in regard to money owed to the state for
 14 public assistance overpayments or nonpayment of premiums as
 15 specified in this section. The department ~~of human services~~
 16 shall adopt rules under chapter 17A necessary to assist the
 17 department of administrative services in the implementation of
 18 the setoff under section 8A.504, in regard to collections by
 19 ~~the child support recovery unit~~ services and the foster care
 20 ~~recovery unit~~ services.

21 Sec. 341. Section 217.35, Code 2023, is amended to read as
 22 follows:

23 **217.35 Fraud and recoupment activities.**

24 Notwithstanding the requirement for deposit of recovered
 25 moneys under section 239B.14, recovered moneys generated
 26 through fraud and recoupment activities are appropriated to
 27 the department ~~of human services~~ to be used for additional
 28 fraud and recoupment activities performed by the department ~~of~~
 29 ~~human services~~ or the department of inspections and appeals.
 30 The department ~~of human services~~ may use the recovered
 31 moneys appropriated to add not more than five full-time
 32 equivalent positions, in addition to those funded by annual
 33 appropriations. The appropriation of the recovered moneys is
 34 subject to both of the following conditions:

35 1. The director ~~of human services~~ determines that the

1 investment can reasonably be expected to increase recovery of
2 assistance paid in error, due to fraudulent or nonfraudulent
3 actions, in excess of the amount recovered in the previous
4 fiscal year.

5 2. The amount expended for the additional fraud and
6 recoupment activities shall not exceed the amount of the
7 projected increase in assistance recovered.

8 Sec. 342. Section 217.36, Code 2023, is amended to read as
9 follows:

10 **217.36 Distribution of earned income tax credit information.**

11 1. The department shall ensure that educational materials
12 relating to the federal and state earned income tax credits
13 are provided in accordance with this section to each household
14 receiving assistance or benefits under:

15 a. The ~~hawk-i~~ Hawki program under chapter 514I.

16 b. The family investment program under chapter 239B.

17 c. The medical assistance ~~Act~~ program under chapter 249A.

18 d. The food programs defined in section 234.1 which are
19 administered by the department.

20 e. Any other appropriate programs administered by, or under
21 the oversight of, the department of ~~human services~~.

22 2. The department shall, by mail or through the internet,
23 provide a household described in subsection 1 with access to:

24 a. Internal revenue service publications relating to the
25 federal earned income tax credit.

26 b. Department of revenue publications relating to the state
27 earned income tax credit.

28 c. Information prepared by tax preparers who provide
29 volunteer or free federal or state income tax preparation
30 services to low-income and other eligible persons and who are
31 located in close geographic proximity to the person.

32 3. In January of each year, the department or a
33 representative of the department shall mail to each household
34 described in subsection 1 information about the federal and
35 state earned income tax credit that provides the household with

1 referrals to the resources described in subsection 2.

2 4. The mailings required by the department under this
3 section do not have to be made as a separate mailing but may
4 be included in existing mailings being made to the appropriate
5 households.

6 Sec. 343. Section 217.40, Code 2023, is amended to read as
7 follows:

8 **217.40 Training for guardians and conservators.**

9 The department ~~of human services~~, or a person designated
10 by the director, shall establish training programs designed
11 to assist all duly appointed guardians and conservators in
12 understanding their fiduciary duties and liabilities, the
13 special needs of the ward, and how to best serve the ward and
14 the ward's interests.

15 Sec. 344. Section 217.41, Code 2023, is amended to read as
16 follows:

17 **217.41 Refugee services foundation.**

18 1. The department ~~of human services~~ shall cause a refugee
19 services foundation to be created for the sole purpose of
20 engaging in refugee resettlement activities to promote the
21 welfare and self-sufficiency of refugees who live in Iowa and
22 who are not citizens of the United States. The foundation may
23 establish an endowment fund to assist in the financing of its
24 activities. The foundation shall be incorporated under chapter
25 504.

26 2. The foundation shall be created in a manner so that
27 donations and bequests to the foundation qualify as tax
28 deductible under federal and state income tax laws. The
29 foundation is not a state agency and shall not exercise
30 sovereign power of the state. The state is not liable for any
31 debts of the foundation.

32 3. The refugee services foundation shall have a board
33 of directors of five members. One member shall be appointed
34 by the governor and four members shall be appointed by the
35 director ~~of human services~~. Members of the board shall serve

1 three-year terms beginning on July 1, and ending on June 30. A
 2 vacancy on the board shall be filled in the same manner as the
 3 original appointment for the remainder of the term. Not more
 4 than two members appointed by the director ~~of human services~~
 5 shall be of the same gender or of the same political party.

6 4. The refugee services foundation may accept and
 7 administer trusts deemed by the board to be beneficial.
 8 Notwithstanding section 633.63, the foundation may act as
 9 trustee of such a trust.

10 Sec. 345. Section 217.41B, subsection 1, Code 2023, is
 11 amended to read as follows:

12 1. The department ~~of human services~~ shall discontinue the
 13 Medicaid family planning network waiver effective July 1, 2017,
 14 and shall instead establish a state family planning services
 15 program. The state program shall replicate the eligibility
 16 requirements and other provisions included in the Medicaid
 17 family planning network waiver as approved by the centers for
 18 Medicare and Medicaid services of the United States department
 19 of health and human services in effect on June 30, 2017.

20 Sec. 346. Section 217.41B, subsection 3, paragraph a,
 21 subparagraph (2), Code 2023, is amended to read as follows:

22 (2) The department ~~of human services~~ shall adopt rules
 23 pursuant to chapter 17A to require that as a condition of
 24 eligibility as a provider under the family planning services
 25 program, each distinct location of a nonprofit health care
 26 delivery system shall enroll in the program as a separate
 27 provider, be assigned a distinct provider identification
 28 number, and complete an attestation that abortions are not
 29 performed at the distinct location.

30 Sec. 347. Section 217.41C, subsection 1, paragraph a, Code
 31 2023, is amended to read as follows:

32 a. The department ~~of human services~~ shall create the more
 33 options for maternal support program, a statewide program to
 34 promote healthy pregnancies and childbirth through nonprofit
 35 organizations that provide pregnancy support services.

1 Sec. 348. Section 217.41C, subsection 3, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 The department ~~of human services~~ shall issue a request for
4 proposals to select a program administrator for the program.
5 A program administrator shall meet all of the following
6 requirements:

7 Sec. 349. Section 217.41C, subsections 5 and 6, Code 2023,
8 are amended to read as follows:

9 5. The department ~~of human services~~ shall publish the
10 program administrator and subcontractor criteria on the
11 department's internet site.

12 6. The department ~~of human services~~ shall adopt rules
13 pursuant to chapter 17A to administer the program, and shall
14 provide technical assistance to the program administrator,
15 monitor the program administrator for adherence to state and
16 federal requirements, and collect and maintain program data.

17 Sec. 350. Section 217.41C, subsection 7, unnumbered
18 paragraph 1, Code 2023, is amended to read as follows:

19 Beginning October 1, 2023, and on or before October
20 1 annually thereafter, the department ~~of human services~~
21 shall submit to the general assembly the following program
22 information relative to the prior fiscal year:

23 Sec. 351. Section 217.42, Code 2023, is amended to read as
24 follows:

25 **217.42 ~~Service areas~~ — County offices.**

26 ~~1. The organizational structure to deliver the department's~~
27 ~~field services shall be based upon service areas designated by~~
28 ~~the department. The service areas shall serve as a basis for~~
29 ~~providing field services to persons residing in the counties~~
30 ~~comprising the service area.~~

31 ~~2.~~ 1. The department shall maintain an office in each
32 county. Based on the annual appropriations for field
33 operations, the department shall strive to maintain a full-time
34 presence in each county. If it is not possible to maintain a
35 full-time presence in each county, the department shall provide

1 staff based on its caseweight system to assure the provision of
 2 services. The department shall consult with the county boards
 3 of supervisors of those counties regarding staffing prior to
 4 any modification of office hours.

5 ~~3.~~ 2. A county or group of counties may voluntarily enter
 6 into a chapter 28E agreement with the department to provide
 7 funding or staff persons to deliver field services in county
 8 offices. The agreement shall cover the full fiscal year but
 9 may be revised by mutual consent.

10 Sec. 352. Section 217.43, Code 2023, is amended to read as
 11 follows:

12 **217.43 ~~Service area~~ County advisory boards — location of**
 13 **county offices.**

14 1. *a.* The department shall establish a ~~service area~~ one
 15 or more advisory board ~~in each service area~~ boards. Each of
 16 the county boards of supervisors ~~of the counties comprising~~
 17 ~~the service area~~ shall appoint two ~~service area~~ advisory board
 18 members. All of the following requirements apply to the
 19 appointments made by a county board of supervisors:

20 (1) The membership shall be appointed in accordance with
 21 section 69.16, relating to political affiliation, and section
 22 69.16A, relating to gender balance.

23 (2) Not more than one of the members shall be a member of
 24 the board of supervisors.

25 (3) Appointments shall be made on the basis of interest in
 26 maintaining and improving service delivery.

27 *b.* Appointments shall be made a part of the regular
 28 proceedings of the board of supervisors and shall be filed with
 29 the county auditor and the ~~service area manager~~ department. A
 30 vacancy on the board shall be filled in the same manner as the
 31 original appointment.

32 *c.* The boards of supervisors shall develop and agree to
 33 other organizational provisions involving the advisory board,
 34 including reporting requirements.

35 2. The purpose of the advisory boards is to improve

1 communication and coordination between the department and the
2 counties and to advise the department regarding maintenance and
3 improvement of service delivery ~~in the counties and communities~~
4 ~~comprising the service areas.~~

5 3. The department shall determine the community in which
6 each county office will be located. The county board of
7 supervisors shall determine the location of the office space
8 for the county office. The county board of supervisors shall
9 make reasonable efforts to collocate the office with other
10 state and local government or private entity offices in order
11 to maintain the offices in a cost-effective location that is
12 convenient to the public.

13 Sec. 353. Section 217.44, Code 2023, is amended to read as
14 follows:

15 **217.44 ~~Service areas~~ Department offices — employee and**
16 **volunteer record checks.**

17 1. The record check evaluation system of the department
18 shall conduct criminal and child and dependent adult abuse
19 record checks of persons who are potential employees,
20 employees, potential volunteers, and volunteers in ~~service area~~
21 department offices in a position having direct contact with the
22 department's clients. The record checks shall be performed in
23 this state and the ~~department~~ record check evaluation system
24 may conduct these checks in other states. If the ~~department~~
25 record check evaluation system determines that a person has
26 been convicted of a crime or has a record of founded child or
27 dependent adult abuse, the ~~department~~ record check evaluation
28 system shall perform an evaluation to determine whether the
29 crime or founded abuse warrants prohibition of the person's
30 employment or participation as a volunteer. The record checks
31 and evaluation shall be performed in accordance with procedures
32 adopted for this purpose by the department.

33 2. In an evaluation, the ~~department~~ record check evaluation
34 system shall consider the nature and seriousness of the crime
35 or founded child or dependent adult abuse in relation to the

1 position sought or held, the time elapsed since the commission
 2 of the crime or founded abuse, the circumstances under which
 3 the crime or founded abuse was committed, the degree of
 4 rehabilitation, the likelihood that the person will commit
 5 the crime or founded abuse again, and the number of crimes or
 6 founded abuses committed by the person involved.

7 3. The ~~department~~ record check evaluation system may permit
 8 a person who is evaluated to be employed or to participate as a
 9 volunteer if the person complies with the ~~department's record~~
 10 check evaluation system's conditions relating to employment or
 11 participation as a volunteer which may include completion of
 12 additional training.

13 4. If the ~~department~~ record check evaluation system
 14 determines that the person has committed a crime or has a
 15 record of founded child or dependent adult abuse which warrants
 16 prohibition of employment or participation as a volunteer, the
 17 person shall not be employed by or participate as a volunteer
 18 in a department ~~service area~~ office in a position having direct
 19 contact with the department's clients.

20 Sec. 354. Section 217.45, subsection 1, unnumbered
 21 paragraph 1, Code 2023, is amended to read as follows:

22 A background investigation may be conducted by the
 23 ~~department of human services~~ on all of the following
 24 individuals:

25 Sec. 355. Section 218.1, Code 2023, is amended to read as
 26 follows:

27 **218.1 Institutions controlled.**

28 The director of ~~human services~~ shall have the general and
 29 full authority given under statute to control, manage, direct,
 30 and operate the following institutions under the director's
 31 jurisdiction, and may at the director's discretion assign
 32 the powers and authorities given the director by statute to
 33 ~~any one of the deputy directors, division administrators, or~~
 34 ~~officers or employees of the divisions of the department of~~
 35 ~~human services~~ a superintendent:

- 1 1. Glenwood state resource center.
- 2 2. Woodward state resource center.
- 3 3. Mental health institute, Cherokee, Iowa.
- 4 4. Mental health institute, Independence, Iowa.
- 5 5. State training school.
- 6 ~~6. Iowa juvenile home.~~
- 7 ~~7.~~ 6. Other facilities not attached to the campus of the
- 8 main institution as program developments require.

9 Sec. 356. Section 218.2, Code 2023, is amended to read as
10 follows:

11 **218.2 Powers of governor — report of abuses.**

12 1. Nothing contained in section 218.1 shall limit the
13 general supervisory or examining powers vested in the governor
14 by the laws or Constitution of the State of Iowa, or legally
15 vested by the governor in any committee appointed by the
16 governor.

17 2. The ~~administrator~~ superintendent to whom primary
18 responsibility for a particular institution has been assigned
19 shall make reports to the director ~~of human services~~ as are
20 requested by the director and the director shall report, in
21 writing, to the governor any abuses found to exist in any of
22 the institutions.

23 Sec. 357. Section 218.3, Code 2023, is amended to read as
24 follows:

25 **218.3 Definitions.**

26 For the purposes of this chapter, unless the context
27 otherwise requires:

28 1. ~~"Administrator" means the person to whom the director~~
29 ~~of human services has assigned power and authority over an~~
30 ~~institution in accordance with section 218.1.~~ "Council" means
31 the council on health and human services.

32 2. "Department" means the department of health and human
33 services.

34 3. "Director" means the director of health and human
35 services.

1 ~~2.~~ 4. "*Institution*" means an institution listed in section
2 218.1.

3 5. "*Resident*" means a person committed or admitted to an
4 institution and is synonymous with patient, as appropriate to
5 the institution.

6 6. "*Superintendent*" means the person to whom primary
7 responsibility for a particular institution has been assigned.

8 Sec. 358. Section 218.4, Code 2023, is amended to read as
9 follows:

10 **218.4 Recommendation for rules.**

11 1. ~~The administrators of particular institutions department~~
12 shall recommend to the council ~~on human services~~ for adoption
13 ~~such~~ rules not inconsistent with law as ~~they may deem~~ necessary
14 ~~for the discharge of their duties,~~ the management of each
15 ~~of such the~~ institutions, and the admission, ~~of residents~~
16 ~~thereto and the~~ treatment, care, custody, education and
17 discharge of residents. It is ~~made~~ the duty of the ~~particular~~
18 ~~administrators~~ department to establish rules by which danger
19 to life and property from fire will be minimized. ~~In the~~
20 ~~discharge of their duties and in the enforcement of their~~
21 ~~rules, they~~ The department may require any ~~of their~~ appointees
22 to perform duties in addition to those required by statute.

23 2. Rules adopted by the council pursuant to chapter 17A
24 shall be uniform and shall apply to all institutions under the
25 ~~particular administrator and to all other institutions under~~
26 ~~the administrator's~~ department's jurisdiction. The primary
27 rules for use in institutions where persons with mental illness
28 are served shall, unless otherwise indicated, uniformly apply
29 to county or private hospitals in which persons with mental
30 illness are served, but the rules shall not interfere with
31 proper medical treatment administered to ~~patients~~ such persons
32 by competent physicians. Annually, signed copies of the rules
33 shall be sent to the superintendent of each institution ~~or~~
34 ~~hospital under the control or supervision of a particular~~
35 ~~administrator.~~ Copies shall also be sent to the clerk of each

1 district court, the chairperson of the board of supervisors
 2 of each county and, as appropriate, to the officer in charge
 3 of institutions or hospitals caring for persons with mental
 4 illness in each county who shall be responsible for seeing
 5 that the rules are posted in each institution or hospital in a
 6 prominent place. The rules shall be kept current to meet the
 7 public need and shall be revised and published annually.

8 3. The state fire marshal shall cause to be made an annual
 9 inspection of all the institutions ~~listed in section 218.1~~ and
 10 shall ~~make~~ provide a written report ~~thereof~~ of each inspection
 11 to the ~~particular administrator of the state department of~~
 12 ~~human services in control of such institution.~~

13 Sec. 359. Section 218.5, Code 2023, is amended to read as
 14 follows:

15 **218.5 Fire protection contracts.**

16 The ~~administrators shall have power to~~ department may
 17 enter into contracts with the governing body of any city or
 18 other municipal corporation for the protection from fire of
 19 any property under the ~~administrators'~~ department's primary
 20 control, located in any municipal corporation or in territory
 21 contiguous to the municipal corporation, upon terms as may be
 22 agreed upon.

23 Sec. 360. Section 218.6, Code 2023, is amended to read as
 24 follows:

25 **218.6 Transfer of appropriations made to institutions.**

26 1. Notwithstanding section 8.39, subsection 1, without the
 27 prior written consent and approval of the governor and the
 28 director of the department of management, the director ~~of human~~
 29 ~~services~~ may transfer funds between the appropriations made for
 30 the institutions, listed as follows:

31 a. The state resource centers.

32 b. The state mental health institutes.

33 c. The state training school.

34 d. The civil commitment unit for sexual offenders.

35 2. The department shall report any transfer made pursuant

1 to subsection 1 during a fiscal quarter to the legislative
2 services agency within thirty days of the beginning of the
3 subsequent fiscal quarter.

4 Sec. 361. Section 218.9, Code 2023, is amended to read as
5 follows:

6 **218.9 Appointment of superintendents.**

7 ~~1. The administrator in charge of an institution, subject to~~
8 ~~the approval of the director of human services,~~ shall appoint
9 the superintendent of the institution. The tenure of office of
10 a superintendent shall be at the pleasure of the administrator
11 director. The ~~administrator~~ director may transfer a
12 superintendent ~~or warden~~ from one institution to another.

13 2. The superintendent ~~or warden~~ shall have immediate
14 custody and control, subject to the orders and policies of the
15 ~~administrator in charge of the institution~~ director, of all
16 property used in connection with the institution except as
17 provided in this chapter.

18 Sec. 362. Section 218.10, Code 2023, is amended to read as
19 follows:

20 **218.10 Subordinate officers and employees.**

21 ~~The administrator in charge of a particular institution,~~
22 ~~with the consent and approval of the director of human~~
23 ~~services,~~ shall determine the number of subordinate officers
24 and employees for the institution. Subject to this chapter,
25 the officers and employees shall be appointed and discharged
26 by the superintendent or ~~business manager~~ the superintendent's
27 designee pursuant to chapter 8A, subchapter IV. The
28 superintendent shall keep, in the record of each subordinate
29 officer and employee, the date of employment, the compensation,
30 and the date of each discharge, and the reasons for discharge.

31 Sec. 363. Section 218.12, Code 2023, is amended to read as
32 follows:

33 **218.12 Bonds.**

34 ~~The administrator in charge of any particular institution~~
35 ~~shall require each~~ Each officer and ~~any employee of such~~

1 ~~administrator and of every an institution under the~~
 2 ~~administrator's control who may be~~ charged with the custody
 3 or control of any money or property belonging to the state ~~to~~
 4 ~~give~~ shall provide an official bond, properly conditioned,
 5 and signed by sufficient sureties in a sum to be fixed by
 6 the ~~administrator~~ director, which bond shall be approved by
 7 the ~~administrator~~ director, and filed in the office of the
 8 secretary of state.

9 Sec. 364. Section 218.13, Code 2023, is amended to read as
 10 follows:

11 **218.13 Record checks.**

12 ~~1. For the purposes of this section, unless the context~~
 13 ~~otherwise requires:~~

14 ~~a. "Department" means the department of human services.~~

15 ~~b. "Institution" means an institution controlled by the~~
 16 ~~department as described in section 218.1.~~

17 ~~c. "Resident" means a person committed or admitted to an~~
 18 ~~institution.~~

19 ~~2.~~ 1. If a person is being considered for employment
 20 involving direct responsibility for a resident or with access
 21 to a resident when the resident is alone, or if a person
 22 will reside in a facility utilized by an institution, and
 23 if the person has been convicted of a crime or has a record
 24 of founded child or dependent adult abuse, the record check
 25 evaluation system of the department shall perform an evaluation
 26 to determine whether the crime or founded abuse warrants
 27 prohibition of employment or residence in the facility. The
 28 ~~department~~ record check evaluation system shall conduct
 29 criminal and child and dependent adult abuse record checks of
 30 the person in this state and may conduct these checks in other
 31 states. The investigation and evaluation shall be performed
 32 in accordance with procedures adopted for this purpose by the
 33 department.

34 ~~3.~~ 2. If the ~~department~~ record check evaluation system
 35 determines that a person, who is employed by an institution

1 or resides in a facility utilized by an institution, has
 2 been convicted of a crime or has a record of founded child
 3 or dependent adult abuse, the ~~department~~ record check
 4 evaluation system shall perform an evaluation to determine
 5 whether prohibition of the person's employment or residence is
 6 warranted. The evaluation shall be performed in accordance
 7 with procedures adopted for this purpose by the department.

8 ~~4.~~ 3. In an evaluation, the ~~department~~ record check
 9 evaluation system shall consider the nature and seriousness of
 10 the crime or founded child or dependent adult abuse in relation
 11 to the position sought or held, the time elapsed since the
 12 commission of the crime or founded abuse, the circumstances
 13 under which the crime or founded abuse was committed, the
 14 degree of rehabilitation, the likelihood that the person will
 15 commit the crime or founded abuse again, and the number of
 16 crimes or founded abuses committed by the person involved.
 17 The ~~department~~ record check evaluation system may permit
 18 a person who is evaluated to be employed or reside or to
 19 continue employment or residence if the person complies with
 20 the ~~department's~~ record check evaluation system's conditions
 21 relating to employment or residence which may include
 22 completion of additional training.

23 ~~5.~~ 4. If the ~~department~~ record check evaluation system
 24 determines that the person has committed a crime or has a
 25 record of founded child or dependent adult abuse which warrants
 26 prohibition of employment or residence, the person shall not
 27 be employed by an institution or reside in a facility utilized
 28 by an institution.

29 Sec. 365. Section 218.14, Code 2023, is amended to read as
 30 follows:

31 **218.14 Dwelling of superintendent or other employee.**

32 1. The ~~administrator having control over an institution~~
 33 ~~may, with consent of the director of human services, may~~
 34 furnish the superintendent of the institution, in addition
 35 to salary, with a dwelling or with appropriate quarters in

1 lieu of the dwelling, or ~~the administrator~~ may compensate the
 2 superintendent of the institution in lieu of furnishing a
 3 dwelling or quarters. If the superintendent of the institution
 4 is furnished with a dwelling or quarters, either of which is
 5 owned by the state, the superintendent may also be furnished
 6 with water, heat, and electricity.

7 2. The ~~administrator having control over an institution~~
 8 director may furnish assistant superintendents or other
 9 employees, or both, with a dwelling or with appropriate
 10 quarters, owned by the state. The assistant superintendent or
 11 employee, who is so furnished, shall pay rent for the dwelling
 12 or quarters in an amount to be determined by the ~~superintendent~~
 13 ~~of the institution~~ director, which shall be the fair market
 14 rental value of the dwelling or quarters. If an assistant
 15 superintendent or employee is furnished with a dwelling or
 16 quarters, either of which is owned by the state, the assistant
 17 superintendent or employee may also be furnished with water,
 18 heat, and electricity. However, the furnishing of these
 19 utilities shall be considered in determining the fair market
 20 rental value of the dwelling or quarters.

21 Sec. 366. Section 218.15, Code 2023, is amended to read as
 22 follows:

23 **218.15 Salaries — how paid.**

24 The salaries and wages shall be included in the semimonthly
 25 payrolls and paid in the same manner as other expenses of the
 26 ~~several~~ institutions.

27 Sec. 367. Section 218.17, Code 2023, is amended to read as
 28 follows:

29 **218.17 Authorized leave.**

30 Vacations and sick leave with pay as authorized in section
 31 70A.1 shall only be taken at such times as the superintendent
 32 or the ~~business manager~~ superintendent's designee in charge
 33 of an officer or employee, as the case may be, may direct,
 34 and only after written authorization by the superintendent or
 35 ~~business manager~~ the superintendent's designee, and for the

1 number of days specified in the authorization. A copy of the
2 authorization shall be attached to the institution's copy of
3 the payroll of the institution, for audit purposes, for the
4 period during which the vacation was taken, and the semimonthly
5 payroll shall show the number of days the person was absent
6 under the authorization.

7 Sec. 368. Section 218.21, Code 2023, is amended to read as
8 follows:

9 **218.21 Record of residents.**

10 ~~The administrator of the department of human services in~~
11 ~~control of a state institution~~ director shall, as to every
12 person committed to any of the institutions, keep the following
13 record:

- 14 1. Name.
- 15 2. Residence.
- 16 3. Sex.
- 17 4. Age.
- 18 5. Nativity.
- 19 6. Occupation.
- 20 7. Civil condition.
- 21 8. Date of entrance or commitment.
- 22 9. Date of discharge.
- 23 10. Whether a discharge was final.
- 24 11. Condition of the person when discharged.
- 25 12. The name of the institutions from which and to which
- 26 such person has been transferred.
- 27 13. If ~~dead~~ deceased, the date and cause of the person's
- 28 death.

29 Sec. 369. Section 218.22, Code 2023, is amended to read as
30 follows:

31 **218.22 Record privileged.**

32 Except with the consent of the ~~administrator in charge of an~~
33 ~~institution~~ director, or on an order of a court of record, the
34 record provided in section 218.21 shall be accessible only to
35 the ~~administrator of the division of the department of human~~

1 ~~services in control of such institution, the director of the~~
 2 ~~department of human services and to assistants and proper~~
 3 ~~clerks authorized by such administrator or the administrator's~~
 4 ~~the director. The administrator of the division of such~~
 5 ~~institution is authorized to~~ director may permit the division
 6 of library services of the department of education and the
 7 historical division of the department of cultural affairs to
 8 copy or reproduce by any photographic, photostatic, microfilm,
 9 microcard or other process which accurately reproduces a
 10 durable medium for reproducing the original and to destroy
 11 in the manner described by law such records of residents
 12 designated in section 218.21.

13 Sec. 370. Section 218.23, Code 2023, is amended to read as
 14 follows:

15 **218.23 Reports to ~~administrator~~ director.**

16 The superintendent of an institution shall, within ten
 17 days after the commitment or entrance of a person to the
 18 institution, cause a true copy of the person's entrance record
 19 to be made and forwarded to the ~~administrator in control of~~
 20 ~~the institution~~ director or the director's designee. When a
 21 ~~patient or~~ resident leaves, or is discharged, or transferred
 22 from, or dies in an institution, the superintendent or person
 23 in charge shall within ten days after that date send the
 24 information to the ~~office of the institution's administrator~~
 25 director or the director's designee on forms which the
 26 ~~administrator~~ director prescribes.

27 Sec. 371. Section 218.24, Code 2023, is amended to read as
 28 follows:

29 **218.24 Questionable commitment.**

30 The superintendent ~~is required to~~ shall immediately
 31 notify the ~~administrator in control of the superintendent's~~
 32 ~~particular institution~~ director if there is any question as
 33 to the propriety of the commitment or detention of any person
 34 received at such an institution, and ~~said administrator~~ the
 35 director, upon ~~such~~ notification, shall inquire into the matter

1 presented, and take such proper action ~~as may be deemed proper~~
2 ~~in the premises.~~

3 Sec. 372. Section 218.26, Code 2023, is amended to read as
4 follows:

5 **218.26 Religious worship.**

6 Any ~~such~~ resident, during the time of the resident's
7 detention, shall be allowed, for at least one hour ~~on each~~
8 Sunday weekly and in times of extreme sickness, and at such
9 other suitable and reasonable times ~~as is~~ consistent with the
10 resident's religious belief and proper discipline in said
11 the institution, to receive spiritual advice, instruction,
12 and ministration from any recognized member of the clergy of
13 the church or denomination which represents the resident's
14 religious belief.

15 Sec. 373. Section 218.27, Code 2023, is amended to read as
16 follows:

17 **218.27 Religious belief of minors.**

18 ~~In case such~~ If a resident is a minor and has formed no
19 choice, the minor's preference may, at any time, be expressed
20 by the minor with the approval of parents or guardian, if the
21 minor has ~~any such~~ a parent or guardian.

22 Sec. 374. Section 218.28, Code 2023, is amended to read as
23 follows:

24 **218.28 Investigation.**

25 ~~The administrator of the department of human services in~~
26 ~~control of a particular institution or the administrator's~~
27 ~~authorized officer or employee~~ director or the director's
28 designee shall visit, and minutely examine, at least once in
29 six months, and more often if necessary or required by law,
30 the institutions ~~under such administrator's control~~, and the
31 financial condition and management ~~thereof~~ of the institutions.

32 Sec. 375. Section 218.29, Code 2023, is amended to read as
33 follows:

34 **218.29 Scope of investigation.**

35 ~~The administrator of the department of human services in~~

1 ~~control of a particular institution or the administrator's~~
 2 ~~authorized officer or employee~~ director or the director's
 3 designee shall, during such investigation and as far as
 4 possible, see every resident of each institution, especially
 5 those admitted since the director's or the director's
 6 designee's preceding visit, and shall give such residents as
 7 ~~may require it,~~ suitable opportunity to converse with such
 8 ~~administrator or authorized officer or employee~~ the director or
 9 the director's designee apart from the officers and attendants.

10 Sec. 376. Section 218.30, Code 2023, is amended to read as
 11 follows:

12 **218.30 Investigation of other institutions facilities.**

13 ~~The administrators to whom control of institutions has been~~
 14 ~~assigned, or their authorized officers or employees,~~ director
 15 may investigate or cause the investigation of charges of abuse,
 16 neglect, or mismanagement on the part of an officer or employee
 17 of a private institution facility which is subject to the
 18 ~~administrator's particular~~ director's supervision or control.
 19 ~~The administrator who has been assigned to have authority over~~
 20 ~~the state mental health institutes, or the administrator's~~
 21 ~~authorized officer or employee,~~ director shall also investigate
 22 or cause the investigation of charges concerning county care
 23 facilities in which persons with mental illness are served.

24 Sec. 377. Section 218.31, Code 2023, is amended to read as
 25 follows:

26 **218.31 Witnesses.**

27 In aid of any investigation the ~~administrator shall have~~
 28 ~~the power to~~ department may summon and compel the attendance
 29 of witnesses; ~~to~~ examine the witnesses under oath, which the
 30 ~~administrator shall have power to~~ director or the director's
 31 designee may administer; ~~to~~ have access to all books, papers,
 32 and property material to such investigation; and ~~to~~ order
 33 the production of any other books or papers material to the
 34 investigation. Witnesses other than those in the employ of the
 35 state shall be entitled to the same fees as in civil cases in

1 the district court.

2 Sec. 378. Section 218.32, Code 2023, is amended to read as
3 follows:

4 **218.32 Contempt.**

5 Any person failing or refusing to obey the orders of the
6 ~~administrator~~ department issued under section 218.31, or to
7 give or produce evidence when required, shall be reported by
8 the ~~administrator~~ department to the district court in the
9 county where the offense occurs, and shall be dealt with by the
10 court as for contempt of court.

11 Sec. 379. Section 218.33, Code 2023, is amended to read as
12 follows:

13 **218.33 Transcript of testimony.**

14 The ~~particular administrator involved~~ department shall cause
15 the testimony taken at such investigation to be transcribed and
16 ~~filed in the administrator's office at the seat of government~~
17 with the department within ten days after the ~~same~~ testimony
18 is taken, or as soon thereafter as practicable, and when ~~so~~
19 ~~filed the same~~ testimony shall be open for the inspection of
20 any person.

21 Sec. 380. Section 218.41, Code 2023, is amended to read as
22 follows:

23 **218.41 Custody.**

24 When a resident of an institution is ~~so~~ working outside the
25 institution proper, the resident ~~shall be deemed~~ is at all
26 times in the actual custody of the ~~head~~ superintendent of the
27 institution.

28 Sec. 381. Section 218.42, Code 2023, is amended to read as
29 follows:

30 **218.42 Wages of residents.**

31 If a resident performs services for the state at an
32 ~~institution listed in section 218.1, the administrator in~~
33 ~~control of the institution~~ department shall pay the resident
34 a wage in accordance with federal wage and hour requirements.
35 However, the wage amount shall not exceed the amount of the

1 prevailing wage paid in the state for a like service or its
2 equivalent.

3 Sec. 382. Section 218.43, Code 2023, is amended to read as
4 follows:

5 **218.43 Deduction to pay court costs.**

6 If wages are paid to a resident pursuant to section
7 218.42, the ~~administrator in control of an institution listed~~
8 ~~in section 218.1~~ department may deduct from the wages an
9 amount sufficient to pay all or a part of the costs taxed
10 to the resident by reason of the resident's commitment to
11 the institution. In such case the amount ~~so~~ deducted shall
12 be forwarded to the clerk of the district court or proper
13 official.

14 Sec. 383. Section 218.44, Code 2023, is amended to read as
15 follows:

16 **218.44 Wages paid to dependent — deposits.**

17 If wages are paid to a resident pursuant to section 218.42,
18 the ~~administrator in control of an institution listed in~~
19 ~~section 218.1~~ department may pay all or any part of the wages
20 directly to any dependent of the resident. The ~~administrator~~
21 department may also deposit the wages to the account of the
22 resident, or may ~~so~~ deposit part of the wages and allow the
23 resident a portion for the resident's own personal use, or
24 may pay to the county of commitment all or any part of the
25 resident's care, treatment, or subsistence while at ~~said~~ the
26 institution from any credit balance accruing to the account of
27 the resident.

28 Sec. 384. Section 218.45, Code 2023, is amended to read as
29 follows:

30 **218.45 Conferences.**

31 Quarterly conferences of the superintendents of the
32 institutions shall be held with the ~~administrator in control~~
33 ~~of the institutions~~ director at Des Moines or at institutions
34 under the ~~administrator's~~ director's jurisdiction, for the
35 consideration of all matters relative to the management of

1 the institutions. Full minutes of the conferences shall be
 2 preserved in the records of the administrator department.
 3 The ~~administrator in control~~ director may cause papers on
 4 appropriate subjects to be prepared and ~~read~~ presented at the
 5 conferences.

6 Sec. 385. Section 218.46, Code 2023, is amended to read as
 7 follows:

8 **218.46 Scientific investigation.**

9 1. The ~~administrator who is in charge of an institution~~
 10 director shall encourage the scientific investigation, on
 11 the part of the superintendent and medical staff of the
 12 institution, as to the most successful methods of institutional
 13 management and ~~treating~~ treatment of the persons committed to
 14 the institution. In addition, the ~~administrator~~ department
 15 shall procure and furnish to the superintendent and medical
 16 staff information relative to such management and treatment
 17 and, ~~from time to time~~, publish bulletins and reports of
 18 scientific and clinical work done in that type of institution.

19 2. The ~~administrators of such state institutions are~~
 20 ~~authorized to~~ department may provide services and facilities
 21 for the scientific observation, rechecking, and treatment of
 22 persons with mental illness within the state. Application by,
 23 or on behalf of, any person for such services and facilities
 24 shall be made to the ~~administrator in charge of the particular~~
 25 ~~institution involved and shall be made~~ director on forms
 26 furnished by ~~such administrator~~ the department. The time and
 27 place of admission of any person to outpatient or clinical
 28 services and facilities for scientific observation, rechecking,
 29 and treatment and the use of such services and facilities for
 30 the benefit of persons who have already been hospitalized
 31 for psychiatric evaluation and appropriate treatment or
 32 involuntarily hospitalized as seriously mentally ill shall
 33 be in accordance with rules and regulations adopted by the
 34 ~~administrator in control of the particular institution involved~~
 35 department.

1 Sec. 386. Section 218.47, Code 2023, is amended to read as
2 follows:

3 **218.47 Monthly report.**

4 The superintendent ~~or business manager~~ of each institution
5 or the superintendent's designee shall, on the first day of
6 each month, account to the ~~administrator in control of the~~
7 ~~particular institution~~ director or the director's designee for
8 all state funds received during the preceding month, and, at
9 the same time, remit the accounting to the treasurer of state.

10 Sec. 387. Section 218.48, Code 2023, is amended to read as
11 follows:

12 **218.48 Annual reports.**

13 The superintendent ~~or business manager~~ of each institution
14 or the superintendent's designee shall make an annual report
15 to the ~~administrator in control of the particular institution~~
16 director and include in the report a detailed and accurate
17 inventory of the stock and supplies on hand, and their amount
18 and value, under the following headings:

- 19 1. Livestock.
- 20 2. Farm produce on hand.
- 21 3. Vehicles.
- 22 4. Agricultural implements.
- 23 5. Machinery.
- 24 6. Mechanical fixtures.
- 25 7. Real estate.
- 26 8. Furniture.
- 27 9. Bedding in residents' department.
- 28 10. State property in superintendent's department.
- 29 11. Clothing.
- 30 12. Dry goods.
- 31 13. Provisions and groceries.
- 32 14. Drugs and medicine.
- 33 15. Fuel.
- 34 16. Library.
- 35 17. All other state property under appropriate headings

1 to be determined by the ~~particular administrator involved~~
2 director.

3 Sec. 388. Section 218.49, Code 2023, is amended to read as
4 follows:

5 **218.49 Contingent fund.**

6 The ~~administrator in control of an institution~~ director
7 may permit the superintendent ~~or the business manager~~ of
8 each institution or the superintendent's designee to retain
9 a stated amount of funds under the superintendent's or
10 ~~business manager's~~ superintendent's designee's supervision
11 as a contingent fund for the payment of freight, postage,
12 commodities purchased on authority of the particular
13 superintendent ~~or business manager~~ involved on a cash basis,
14 salaries, and bills granting discount for cash.

15 Sec. 389. Section 218.50, Code 2023, is amended to read as
16 follows:

17 **218.50 Requisition for contingent fund.**

18 If necessary, the director ~~of the department of human~~
19 ~~services~~ shall make proper requisition upon the director of
20 the department of administrative services for a warrant on the
21 state treasurer to secure the ~~said~~ contingent fund for each
22 institution.

23 Sec. 390. Section 218.51, Code 2023, is amended to read as
24 follows:

25 **218.51 Monthly reports of contingent fund.**

26 A monthly report of the status of ~~such~~ the contingent fund
27 shall be submitted by the ~~proper officer of said~~ superintendent
28 of each institution or the superintendent's designee to
29 the ~~administrator in control of the institution involved~~
30 ~~and such~~ director or the director's designee in accordance
31 with applicable rules as such administrator may establish
32 established by the director.

33 Sec. 391. Section 218.52, Code 2023, is amended to read as
34 follows:

35 **218.52 Supplies — competition.**

1 ~~The administrator in control of a state institution~~
2 department shall, in the purchase of supplies, afford all
3 reasonable opportunity for competition, and shall give
4 preference to local dealers and Iowa producers when such can be
5 done without loss to the state.

6 Sec. 392. Section 218.55, Code 2023, is amended to read as
7 follows:

8 **218.55 Purchase from an institution.**

9 ~~An administrator~~ The department may purchase supplies of
10 any institution ~~under the administrator's control~~, for use in
11 any other institution ~~under the administrator's control~~, and
12 reasonable payment for the supplies shall be made as in the
13 case of other purchases.

14 Sec. 393. Section 218.56, Code 2023, is amended to read as
15 follows:

16 **218.56 Purchase of supplies — vendor warrants.**

17 1. ~~The administrators~~ department shall, ~~from time to time~~,
18 adopt and make of record rules and regulations governing the
19 purchase of all articles and supplies needed at the various
20 institutions ~~under their control~~ and the form and verification
21 of vouchers for such purchases.

22 2. ~~The department of human services~~ shall mail vendor
23 warrants for the department of corrections.

24 Sec. 394. Section 218.57, Code 2023, is amended to read as
25 follows:

26 **218.57 Combining appropriations.**

27 The director of the department of administrative services
28 may combine the balances carried in all specific appropriations
29 into a special account for each institution ~~under the control~~
30 ~~of a particular administrator~~, except that the support fund for
31 each institution shall be carried as a separate account.

32 Sec. 395. Section 218.58, Code 2023, is amended to read as
33 follows:

34 **218.58 Construction, repair, and improvement projects —**
35 **emergencies.**

1 The department shall work with the department of
2 administrative services to accomplish the following
3 responsibilities:

4 1. The department shall prepare and submit to the director
5 of the department of management, as provided in section
6 8.23, a multiyear construction program including estimates of
7 the expenditure requirements for the construction, repair,
8 or improvement of buildings, grounds, or equipment at the
9 institutions ~~listed in section 218.1.~~

10 2. The ~~director~~ department shall have plans and
11 specifications prepared by the department of administrative
12 services for authorized construction, repair, or improvement
13 projects costing over the competitive bid threshold in section
14 26.3, or as established in section 314.1B. An appropriation
15 for a project shall not be expended until the department of
16 administrative services has adopted plans and specifications
17 and has completed a detailed estimate of the cost of the
18 project, prepared under the supervision of a licensed architect
19 or licensed professional engineer. Plans and specifications
20 shall not be adopted and a project shall not proceed if the
21 project would require an expenditure of money in excess of the
22 appropriation.

23 3. The department of administrative services shall comply
24 with the competitive bid procedures in chapter 26 to let all
25 contracts under chapter 8A, subchapter III, for authorized
26 construction, repair, or improvement of departmental buildings,
27 grounds, or equipment.

28 4. If the director ~~of the department of human services~~
29 and the director of the department of administrative services
30 determine that emergency repairs or improvements estimated
31 to cost more than the competitive bid threshold in section
32 26.3, or as established in section 314.1B are necessary to
33 assure the continued operation of a departmental institution,
34 the requirements of subsections 2 and 3 for preparation
35 of plans and specifications and competitive procurement

1 procedures are waived. A determination of necessity for
 2 waiver by the director ~~of the department of human services~~
 3 and the director of the department of administrative services
 4 shall be in writing and shall be entered in the project
 5 record for emergency repairs or improvements. Emergency
 6 repairs or improvements shall be accomplished using plans and
 7 specifications and competitive quotation or bid procedures, as
 8 applicable, to the greatest extent possible, considering the
 9 necessity for rapid completion of the project. A waiver of
 10 the requirements of subsections 2 and 3 does not authorize an
 11 expenditure in excess of an amount otherwise authorized for the
 12 repair or improvement.

13 5. A claim for payment relating to a project shall be
 14 itemized on a voucher form pursuant to section 8A.514,
 15 certified by the claimant and the architect or engineer
 16 in charge, and audited and approved by the department of
 17 administrative services. Upon approval by the department of
 18 administrative services, the director of the department of
 19 administrative services shall draw a warrant to be paid by the
 20 treasurer of state from funds appropriated for the project.
 21 A partial payment made before completion of the project does
 22 not constitute final acceptance of the work or a waiver of any
 23 defect in the work.

24 6. Subject to the prior approval of the ~~administrator~~
 25 ~~in control of a departmental institution~~ director or the
 26 director's designee, minor projects costing five thousand
 27 dollars or less may be authorized and completed by the
 28 ~~executive head~~ superintendent of the institution through the
 29 use of day labor. ~~A contract is not required if a minor project~~
 30 ~~is to be completed with the use of resident labor.~~

31 Sec. 396. Section 218.64, Code 2023, is amended to read as
 32 follows:

33 **218.64 Investigation of death.**

34 ~~1. For the purposes of this section, unless the context~~
 35 ~~otherwise requires, "institution" and "resident" mean the same~~

1 ~~as defined in section 218.13.~~

2 2. Upon the death of a resident of an institution,
3 the county medical examiner shall conduct a preliminary
4 investigation of the death as provided in section 331.802. The
5 cost of the preliminary investigation shall be paid by the
6 department ~~of human services.~~

7 Sec. 397. Section 218.65, Code 2023, is amended to read as
8 follows:

9 **218.65 Property of deceased resident.**

10 The ~~superintendent or business manager of each institution~~
11 department shall, upon the death of any resident ~~or patient,~~
12 immediately take possession of all property of the deceased
13 left at the institution, and deliver the property to the duly
14 appointed and qualified representative of the deceased.

15 Sec. 398. Section 218.66, Code 2023, is amended to read as
16 follows:

17 **218.66 Property of small value.**

18 If administration ~~be~~ is not granted within one year from
19 the date of the death of the decedent, and the value of the
20 estate of the decedent is so small as to make the granting
21 of administration inadvisable, then delivery of the money
22 and other property left by the decedent may be made to the
23 surviving spouse and heirs of the decedent.

24 Sec. 399. Section 218.69, Code 2023, is amended to read as
25 follows:

26 **218.69 Permanent record.**

27 A complete permanent record of the money transmitted to the
28 treasurer of state under section 218.68, showing by whom and
29 with whom ~~it~~ the money was left, ~~its~~ the amount, the date of
30 the death of the owner, the owner's reputed place of residence
31 before the owner became a resident of the institution, the date
32 on which ~~it~~ the money was transmitted to the state treasurer,
33 and any other facts which may tend to identify the intestate
34 and explain the case, shall be kept by the ~~superintendent~~
35 ~~of the institution or business manager, as the case may be~~

1 department, and a transcript of the record shall be sent to,
2 and kept by, the treasurer of state.

3 Sec. 400. Section 218.70, Code 2023, is amended to read as
4 follows:

5 **218.70 Payment to party entitled.**

6 Moneys transmitted to the treasurer of state under section
7 218.68 shall be paid, at any time within ten years from the
8 death of the intestate, to any person who is shown to be
9 entitled ~~thereto~~ to the moneys. Payment shall be made from the
10 state treasury out of the support fund of such institution in
11 the manner provided for the payment of other claims from that
12 fund.

13 Sec. 401. Section 218.72, Code 2023, is amended to read as
14 follows:

15 **218.72 Temporary quarters in emergency.**

16 In case the buildings at any institution ~~under the control of~~
17 ~~an administrator~~ are destroyed or rendered unfit for habitation
18 by reason of fire, storms, or other like causes, to such an
19 extent that the residents cannot be housed and cared for, the
20 ~~administrator~~ director shall make temporary provision for the
21 housing and care of the residents at some other place in the
22 state. Like provision may be made in case any pestilence
23 breaks out among the residents. The reasonable cost of the
24 change, including transfer of residents, shall be paid from any
25 moneys in the state treasury not otherwise appropriated.

26 Sec. 402. Section 218.78, Code 2023, is amended to read as
27 follows:

28 **218.78 Institutional receipts deposited.**

29 1. All institutional receipts of the department ~~of human~~
30 ~~services~~, including funds received from client participation
31 at the state resource centers under section 222.78 and at the
32 state mental health institutes under section 230.20, shall be
33 deposited in the general fund except for reimbursements for
34 services provided to another institution or state agency, for
35 receipts deposited in the revolving farm fund under section

1 904.706, for deposits into the medical assistance fund under
2 section 249A.11, and for rentals charged to employees or
3 others for room, apartment, or house and meals, which shall be
4 available to the institutions.

5 2. If approved by the director ~~of human services~~, the
6 department may use appropriated funds for the granting of
7 educational leave.

8 Sec. 403. Section 218.83, Code 2023, is amended to read as
9 follows:

10 **218.83 Administrative improvement.**

11 ~~The director of human services and the administrators~~
12 ~~assigned to have authority over the institutions~~ shall
13 cooperate with any department or agency of the state government
14 in any manner, including the exchange of employees, calculated
15 to improve administration of the ~~affairs of the~~ institutions.

16 Sec. 404. Section 218.84, Code 2023, is amended to read as
17 follows:

18 **218.84 Abstracting claims and keeping accounts.**

19 ~~The director of the department of human services or the~~
20 director's designee shall have sole charge of abstracting and
21 certifying claims for payment and the keeping of a central
22 system of accounts in institutions under the director's
23 control.

24 Sec. 405. Section 218.85, Code 2023, is amended to read as
25 follows:

26 **218.85 Uniform system of accounts.**

27 ~~The director of human services through the administrators in~~
28 ~~control of the institutions~~ department shall install in all the
29 institutions the most modern, complete, and uniform system of
30 accounts, records, and reports possible. The system shall be
31 prescribed by the director of the department of administrative
32 services as authorized in section 8A.502, subsection 13, and,
33 among other matters, shall clearly show the detailed facts
34 relative to the handling and uses of all purchases.

35 Sec. 406. Section 218.86, Code 2023, is amended to read as

1 follows:

2 **218.86 Abstract of claims.**

3 Vouchers for expenditures other than salaries shall be
4 submitted to the director of the department of administrative
5 services, who shall prepare in triplicate an abstract of
6 claims submitted showing the name of the claimant and the
7 institutions and institutional fund on account of which the
8 payment is made. The claims and abstracts of claims shall be
9 returned to the ~~director of the department of human services~~
10 where the correctness of the abstracts shall be certified by
11 ~~the director~~. The original abstract shall be delivered to the
12 director of the department of administrative services, the
13 duplicate to be retained in the office of the director, ~~of the~~
14 ~~department of human services~~ and the triplicate forwarded to
15 the proper institution to be retained as a record of claims
16 paid.

17 Sec. 407. Section 218.87, Code 2023, is amended to read as
18 follows:

19 **218.87 Warrants issued by director of the department of**
20 **administrative services.**

21 Upon such certificate the director of the department of
22 administrative services shall, if the institution named has
23 sufficient funds, issue the director's warrants upon the state
24 treasurer, for the amounts and to the claimants indicated
25 ~~thereon~~ on the warrants. The director of the department of
26 administrative services shall deliver the warrants ~~thus~~ issued
27 to the ~~director of human services~~ department, who will cause
28 ~~same~~ the warrants to be transmitted to the payees ~~thereof~~ of
29 the warrants.

30 Sec. 408. Section 218.88, Code 2023, is amended to read as
31 follows:

32 **218.88 Institutional payrolls.**

33 At the close of each pay period, the superintendent ~~or~~
34 ~~business manager~~ of each institution shall prepare and forward
35 to the director ~~of human services~~ or the director's designee a

1 semimonthly payroll which shall show the name of each officer
2 and employee, the semimonthly pay, time paid for, the amount of
3 pay, and any deductions. A substitute shall not be permitted
4 to receive compensation in the name of the employee for whom
5 the substitute is acting.

6 Sec. 409. Section 218.92, Code 2023, is amended to read as
7 follows:

8 **218.92 Patients Residents with dangerous mental disturbances.**

9 When a ~~patient in a state resource center for persons with~~
10 ~~an intellectual disability, a state mental health institute,~~
11 ~~or another resident of an institution under the administration~~
12 ~~of the department of human services~~ has become so mentally
13 disturbed as to constitute a danger to self, to other ~~patients~~
14 residents or staff of the institution, or to the public,
15 and the institution cannot provide adequate security, the
16 ~~administrator in charge of the institution~~ director or the
17 director's designee, with the consent of the director of the
18 Iowa department of corrections, may order the ~~patient~~ resident
19 to be transferred to the Iowa medical and classification
20 center, if the superintendent of the institution from which
21 the ~~patient~~ resident is to be transferred, with the support
22 of a majority of the medical staff, recommends the transfer
23 in the interest of the ~~patient~~ resident, other ~~patients~~
24 residents, or the public. If the ~~patient~~ resident transferred
25 was hospitalized pursuant to sections 229.6 through 229.15,
26 the transfer shall be promptly reported to the court that
27 ordered the hospitalization of the ~~patient~~ resident, as
28 required by section 229.15, subsection 5. The Iowa medical
29 and classification center has the same rights, duties, and
30 responsibilities with respect to the ~~patient~~ resident as the
31 institution from which the ~~patient~~ resident was transferred
32 had while ~~the patient was~~ hospitalized in the institution.
33 The cost of the transfer shall be paid from the funds of the
34 institution from which the transfer is made.

35 Sec. 410. Section 218.93, Code 2023, is amended to read as

1 follows:

2 **218.93 Consultants for ~~director or administrators~~ department.**

3 ~~The director of human services or the administrators in~~
 4 ~~control of the institutions are authorized to~~ department
 5 may secure the services of consultants to furnish advice on
 6 administrative, professional, or technical problems to the
 7 ~~director or the administrators, their~~ department employees,
 8 ~~or employees of institutions under their jurisdiction~~ or to
 9 provide in-service training and instruction for the employees.
 10 ~~The director and administrators are authorized to~~ department
 11 may pay the consultants at a rate to be determined by ~~them~~ the
 12 department from funds under ~~their~~ the department's control
 13 or from any institutional funding under ~~their~~ the director's
 14 jurisdiction ~~as the director or administrator may determine.~~

15 Sec. 411. Section 218.94, Code 2023, is amended to read as
 16 follows:

17 **218.94 Director may buy and sell real estate — options.**

18 1. ~~The director of the department of human services~~
 19 ~~shall have full power to~~ may secure options to purchase real
 20 estate, to acquire and sell real estate, and to grant utility
 21 easements, for the proper uses of ~~said~~ the institutions.
 22 Real estate shall be acquired and sold and utility easements
 23 granted, upon such terms and conditions as the director may
 24 determine. Upon sale of the real estate, the proceeds shall
 25 be deposited with the treasurer of state and credited to the
 26 general fund of the state. There is ~~hereby~~ appropriated from
 27 the general fund of the state a sum equal to the proceeds ~~so~~
 28 deposited and credited to the general fund of the state to the
 29 ~~department of human services~~, which may be used to purchase
 30 other real estate or for capital improvements upon property
 31 under the director's control.

32 2. The costs incident to securing of options, acquisition
 33 and sale of real estate and granting of utility easements,
 34 including but not limited to appraisals, invitations for
 35 offers, abstracts, and other necessary costs, may be paid

1 from moneys appropriated for support and maintenance to the
2 institution at which ~~such~~ the real estate is located. Such
3 ~~fund costs~~ shall be reimbursed from the proceeds of the sale.

4 Sec. 412. Section 218.95, Code 2023, is amended to read as
5 follows:

6 **218.95 Synonymous terms.**

7 1. For purposes of construing the provisions of this and
8 the following subtitles of this title and chapters 904, 913,
9 and 914 relating to persons with mental illness and reconciling
10 these provisions with other former and present provisions of
11 statute, the following terms shall be considered synonymous:

12 a. *"Mentally ill"* and *"insane"*, except that the
13 hospitalization or detention of any person for treatment
14 of mental illness shall not constitute a finding or create
15 a presumption that the individual is legally insane in the
16 absence of a finding of incompetence made pursuant to section
17 229.27.

18 b. *"Parole"* and *"convalescent leave"*.

19 c. *"Resident"* and *"patient"*.

20 d. *"Escape"* and *"depart without proper authorization"*.

21 e. *"Warrant"* and *"order of admission"*.

22 f. *"Escapee"* and *"patient"*.

23 g. *"Sane"* and *"in good mental health"*.

24 h. *"Commitment"* and *"admission"*.

25 2. It is ~~hereby declared to be~~ the policy of the general
26 assembly that words which have come to have a degrading meaning
27 shall not be employed in institutional records having reference
28 to persons with various mental conditions and that in all
29 records pertaining to persons with various mental conditions
30 the less discriminatory of the foregoing synonyms shall be
31 employed.

32 Sec. 413. Section 218.96, Code 2023, is amended to read as
33 follows:

34 **218.96 Gifts, grants, and devises, and bequests.**

35 ~~The director of the department of human services is~~

1 ~~authorized to~~ may accept gifts, grants, devises, or bequests of
 2 real or personal property from the federal government or any
 3 source. The director may exercise such powers with reference
 4 to the property ~~so~~ accepted as ~~may be~~ deemed essential to ~~its~~
 5 the property's preservation and the purposes for which given,
 6 granted, devised, or bequeathed.

7 Sec. 414. Section 218.98, Code 2023, is amended to read as
 8 follows:

9 **218.98 Canteen maintained.**

10 ~~The administrators in control of the institutions may~~
 11 ~~maintain a~~ A canteen may be maintained at any institution
 12 ~~under their jurisdiction and control for the sale to persons~~
 13 ~~residing in the institution of~~ items including but not limited
 14 to toilet articles, candy, tobacco products, notions, and other
 15 sundries, and ~~may provide~~ the necessary facilities, equipment,
 16 personnel, and merchandise for such sale may be provided. The
 17 ~~administrators~~ department shall specify what commodities will
 18 be sold in the canteen. The department may establish and
 19 maintain a permanent operating fund for each canteen. The fund
 20 shall consist of the receipts from the sale of commodities at
 21 the canteen.

22 Sec. 415. Section 218.99, Code 2023, is amended to read as
 23 follows:

24 **218.99 Counties to be notified of ~~patients'~~ personal**
 25 **accounts.**

26 ~~The administrator in control of a state institution shall~~
 27 ~~direct the business manager~~ superintendent of each institution
 28 ~~under the administrator's jurisdiction which is mentioned~~
 29 facility specified in section 331.424, subsection 1, paragraph
 30 "a", subparagraphs (1) and (2), and for which services are paid
 31 by the county of residence or a mental health and disability
 32 services region, ~~to~~ shall quarterly inform the county of
 33 residence of any ~~patient or resident~~ person committed or
 34 admitted to the facility who has an amount in excess of two
 35 hundred dollars on account in the ~~patients'~~ person's personal

1 deposit fund and the amount on deposit. The ~~administrators~~
 2 ~~shall direct the business manager to~~ superintendent shall
 3 further notify the county of residence at least fifteen days
 4 before the release of funds in excess of two hundred dollars
 5 or upon the death of the ~~patient or resident~~ person. If the
 6 ~~patient or resident~~ person has no residency in this state or
 7 the person's residency is unknown, notice shall be made to the
 8 ~~director of human services and the administrator in control of~~
 9 ~~the institution involved~~ department.

10 Sec. 416. Section 218.100, Code 2023, is amended to read as
 11 follows:

12 **218.100 Central warehouse and supply depot.**

13 The department ~~of human services~~ shall establish a fund for
 14 maintaining and operating a central warehouse as a supply depot
 15 and distribution facility for surplus government products,
 16 carload canned goods, paper products, other staples, and such
 17 other items as determined by the department. The fund shall be
 18 permanent and shall be composed of the receipts from the sales
 19 of merchandise, recovery of handling, operating and delivery
 20 charges of such merchandise, and from the funds contributed by
 21 the institutions ~~now~~ in a contingent fund being used for this
 22 purpose. All claims for purchases of merchandise, operating,
 23 and salary expenses shall be subject to the provisions of
 24 sections 218.86, 218.87, and 218.88.

25 Sec. 417. Section 221.2, Code 2023, is amended to read as
 26 follows:

27 **221.2 ~~Administrator~~ Compact administrator.**

28 ~~Pursuant to the compact, the administrator of the division~~
 29 ~~of mental health and disability services~~ The director of
 30 the department of health and human services shall ~~be the~~
 31 designate a compact administrator. The compact administrator
 32 may cooperate with all departments, agencies, and officers of
 33 this state and its subdivisions in facilitating the proper
 34 administration of the compact and of any supplementary
 35 agreement entered into by this state under the compact.

1 Sec. 418. Section 221.4, Code 2023, is amended to read as
2 follows:

3 **221.4 Payments.**

4 The compact administrator, ~~subject to the approval of the~~
5 ~~director of the department of human services,~~ may make or
6 arrange for any payments necessary to discharge any financial
7 obligations imposed upon this state by the compact or by any
8 supplementary agreement entered into ~~thereunder~~ under the
9 compact.

10 Sec. 419. Section 222.1, subsection 2, Code 2023, is amended
11 to read as follows:

12 2. The Glenwood state resource center and the Woodward
13 state resource center are established and shall be maintained
14 as the state's regional resource centers for the purpose of
15 providing treatment, training, instruction, care, habilitation,
16 and support of persons with an intellectual disability or other
17 disabilities in this state, and providing facilities, services,
18 and other support to the communities located in the region
19 being served by a state resource center. In addition, the
20 state resource centers are encouraged to serve as a training
21 resource for community-based program staff, medical students,
22 and other participants in professional education programs. A
23 resource center may request the approval of the council ~~on~~
24 ~~human services~~ to change the name of the resource center for
25 use in communication with the public, in signage, and in other
26 forms of communication.

27 Sec. 420. Section 222.2, Code 2023, is amended to read as
28 follows:

29 **222.2 Definitions.**

30 When used in this chapter, unless the context otherwise
31 requires:

32 1. ~~"Administrator" means the person assigned by the director~~
33 ~~of human services, in accordance with section 218.1, to control~~
34 ~~the state resource centers.~~

35 2. 1. "Auditor" means the county auditor or the auditor's

1 designee.

2 2. "Council" means the council on health and human services.

3 3. "Department" means the department of health and human
4 services.

5 4. "Director" means the director of health and human
6 services.

7 4. 5. "Intellectual disability" means the same as defined
8 in section 4.1.

9 5. 6. "Mental health and disability services region" means
10 a mental health and disability services region formed in
11 accordance with section 331.389.

12 6. 7. "Regional administrator" means the regional
13 administrator of a mental health and disability services
14 region, as defined in section 331.388.

15 7. 8. "Special unit" means a special intellectual
16 disability unit established at a state mental health institute
17 pursuant to sections 222.88 through 222.91.

18 8. 9. "State resource centers" or "resource centers" means
19 the Glenwood state resource center and the Woodward state
20 resource center.

21 9. 10. "Superintendents" means the superintendents of the
22 state resource centers.

23 Sec. 421. Section 222.3, Code 2023, is amended to read as
24 follows:

25 **222.3 Superintendents.**

26 The ~~administrator~~ director shall appoint a qualified
27 superintendent for each of the resource centers who shall
28 receive such salary as the ~~administrator~~ director shall
29 determine.

30 Sec. 422. Section 222.4, Code 2023, is amended to read as
31 follows:

32 **222.4 Duties of superintendents.**

33 The superintendents shall:

34 1. Perform all duties required by law and by the
35 ~~administrator~~ director not inconsistent with law.

1 2. Oversee and insure individual treatment and professional
2 care of each patient in the resource centers.

3 3. Maintain a full and complete record of the condition of
4 each patient in the resource centers.

5 4. Have custody, control, and management of all patients in
6 such manner as deemed best subject to the regulations of the
7 ~~administrator~~ department.

8 Sec. 423. Section 222.5, Code 2023, is amended to read as
9 follows:

10 **222.5 Preadmission diagnostic evaluation.**

11 ~~No~~ A person shall not be eligible for admission to a resource
12 center or a special unit until a preadmission diagnostic
13 evaluation has been made by a resource center or a special unit
14 which confirms or establishes the need for admission.

15 Sec. 424. Section 222.7, Code 2023, is amended to read as
16 follows:

17 **222.7 Transfers.**

18 The ~~administrator~~ department may transfer patients from one
19 state resource center to the other and may at any time transfer
20 patients from the resource centers to the hospitals for persons
21 with mental illness, or transfer patients in the resource
22 centers to a special unit or vice versa. The ~~administrator~~
23 department may also transfer patients from a hospital for
24 persons with mental illness to a resource center if consent is
25 given or obtained as follows:

26 1. In the case of a patient who entered the hospital for
27 persons with mental illness voluntarily, consent is given in
28 advance by the patient or, if the patient is a minor or is
29 incompetent, the person responsible for the patient.

30 2. In the case of a patient hospitalized pursuant to
31 sections 229.6 through 229.15, the consent of the court which
32 hospitalized the patient is obtained in advance, rather than
33 afterward as otherwise permitted by section 229.15, subsection
34 4.

35 Sec. 425. Section 222.8, Code 2023, is amended to read as

1 follows:

2 **222.8 Communications by patients.**

3 Persons admitted to the resource centers or a special
4 unit shall have all reasonable opportunity and facility for
5 communication with their friends. Such persons shall be
6 permitted to write and send letters, provided the letters
7 contain nothing of an offensive character. Letters written by
8 any patient to the ~~administrator~~ director or to any state or
9 county official shall be forwarded unopened.

10 Sec. 426. Section 222.10, Code 2023, is amended to read as
11 follows:

12 **222.10 Duty of peace officer.**

13 When any person with an intellectual disability departs
14 without proper authority from ~~an institution~~ a facility in
15 another state and is found in this state, any peace officer in
16 any county in which such patient is found may take and detain
17 the patient without warrant or order and shall report such
18 detention to the ~~administrator~~ department. The ~~administrator~~
19 department shall provide for the return of the patient to the
20 authorities in the state from which the unauthorized departure
21 was made. Pending return, such patient may be detained
22 temporarily at one of the institutions of this state governed
23 by the ~~administrator or by the administrator of the division of~~
24 ~~child and family services of the department of human services~~
25 department. The provisions of this section relating to the
26 ~~administrator~~ department shall also apply to the return of
27 other nonresident persons with an intellectual disability
28 having legal residency outside the state of Iowa.

29 Sec. 427. Section 222.11, Code 2023, is amended to read as
30 follows:

31 **222.11 Expense.**

32 All actual and necessary expenses incurred in the taking
33 into protective custody, restraint, and transportation of such
34 patients to the resource centers shall be paid on itemized
35 vouchers, sworn to by the claimants, and approved by the

1 superintendent and the ~~administrator~~ director from any moneys
2 in the state treasury not otherwise appropriated.

3 Sec. 428. Section 222.13, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. If the resource center does not have an appropriate
6 program for the treatment of an adult or minor person with an
7 intellectual disability applying under this section or section
8 222.13A, the regional administrator for the person's county of
9 residence or the department, as applicable, shall arrange for
10 the placement of the person in any public or private facility
11 within or without the state, approved by the director ~~of human~~
12 ~~services~~, which offers appropriate services for the person.
13 If the expenses of the placement are payable in whole or in
14 part by a county, the placement shall be made by the regional
15 administrator for the county.

16 Sec. 429. Section 222.13A, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. If a minor is believed to be a person with an
19 intellectual disability, the minor's parent, guardian, or
20 custodian may apply to the department for admission of the
21 minor as a voluntary patient in a state resource center. If
22 the resource center does not have appropriate services for the
23 minor's treatment, the department may arrange for the admission
24 of the minor in a public or private facility within or without
25 the state, approved by the director ~~of human services~~, which
26 offers appropriate services for the minor's treatment.

27 Sec. 430. Section 222.60, subsection 1, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 All necessary and legal expenses for the cost of admission or
30 for the treatment, training, instruction, care, habilitation,
31 support, and transportation of persons with an intellectual
32 disability, as provided for in the applicable regional service
33 system management plan implemented pursuant to section 331.393
34 in a state resource center, or in a special unit, or any public
35 or private facility within or without the state, approved by

1 the director of ~~human services~~, shall be paid by either:

2 Sec. 431. Section 222.64, Code 2023, is amended to read as
3 follows:

4 **222.64 Foreign state or country or unknown residency.**

5 If the residency of the person is determined by a regional
6 administrator on behalf of a county or by the state to be in
7 a foreign state or country or is determined to be unknown,
8 the regional administrator or the state shall certify the
9 determination. The certification shall be accompanied by a
10 copy of the evidence supporting the determination. The care of
11 the person shall be as arranged by the regional administrator
12 or the state. Application for admission may be made pending
13 investigation by the ~~administrator~~ department.

14 Sec. 432. Section 222.65, Code 2023, is amended to read as
15 follows:

16 **222.65 Investigation.**

17 If an application is made for placement of a person in
18 a state resource center or special unit, the ~~department's~~
19 ~~administrator~~ department shall immediately investigate the
20 residency of the person and proceed as follows:

21 1. If the ~~administrator~~ department concurs with a certified
22 determination as to residency of the person in another state
23 or in a foreign country, or the person's residence is unknown
24 under section 222.60, the ~~administrator~~ department shall cause
25 the person either to be transferred to a resource center or
26 a special unit or to be transferred to the place of foreign
27 residency.

28 2. If the ~~administrator~~ department disputes a certified
29 determination of residency, the ~~administrator~~ department shall
30 order the person transferred to a state resource center or a
31 special unit until the dispute is resolved.

32 3. If the ~~administrator~~ department disputes a certified
33 determination of residency, the ~~administrator~~ department shall
34 utilize the procedure provided in section 331.394 to resolve
35 the dispute. A determination of the person's residency status

1 made pursuant to section 331.394 is conclusive.

2 Sec. 433. Section 222.66, Code 2023, is amended to read as
3 follows:

4 **222.66 Transfers — no residency in state or residency**
5 **unknown — expenses.**

6 The transfer to a resource center or a special unit or to the
7 place of residency of a person with an intellectual disability
8 who has no residence in this state or whose residency is
9 unknown, shall be made in accordance with such directions as
10 shall be prescribed by the ~~administrator~~ director and when
11 practicable by employees of the state resource center or the
12 special unit. The actual and necessary expenses of such
13 transfers shall be paid by the department on itemized vouchers
14 sworn to by the claimants and approved by the ~~administrator~~
15 director and the approved amount is appropriated to the
16 department from any funds in the state treasury not otherwise
17 appropriated.

18 Sec. 434. Section 222.67, Code 2023, is amended to read as
19 follows:

20 **222.67 Charge on finding of residency.**

21 If a person has been received into a resource center or a
22 special unit as a patient whose residency is unknown and the
23 ~~administrator~~ director determines that the residency of the
24 patient was at the time of admission in a county of this state,
25 the ~~administrator~~ director shall certify the determination and
26 charge all legal costs and expenses pertaining to the admission
27 and support of the patient to the county of residence. The
28 certification shall be sent to the county of residence. The
29 certification shall be accompanied by a copy of the evidence
30 supporting the determination. If the person's residency status
31 has been determined in accordance with section 331.394, the
32 legal costs and expenses shall be charged to the county in
33 accordance with that determination. The costs and expenses
34 shall be collected as provided by law in other cases.

35 Sec. 435. Section 222.69, Code 2023, is amended to read as

1 follows:

2 **222.69 Payment by state.**

3 The amount necessary to pay the necessary and legal expenses
4 of admission of a person to a resource center or a special unit
5 when the person's residence is outside this state or is unknown
6 is appropriated to the department from any moneys in the state
7 treasury not otherwise appropriated. Such payments shall be
8 made by the department on itemized vouchers executed by the
9 auditor of the county from which the expenses have been paid
10 and approved by the ~~administrator~~ director or the director's
11 designee.

12 Sec. 436. Section 222.73, subsection 5, Code 2023, is
13 amended to read as follows:

14 5. A superintendent of a resource center or special unit
15 may request that the director ~~of human services~~ enter into a
16 contract with a person for the resource center or special unit
17 to provide consultation or treatment services or for fulfilling
18 other purposes which are consistent with the purposes stated in
19 section 222.1. The contract provisions shall include charges
20 which reflect the actual cost of providing the services. Any
21 income from a contract authorized under this subsection may
22 be retained by the resource center or special unit to defray
23 the costs of providing the services or fulfilling the other
24 purposes. Except for a contract voluntarily entered into by a
25 county under this subsection, the costs or income associated
26 with a contract authorized under this subsection shall not
27 be considered in computing charges and per diem costs in
28 accordance with the provisions of subsections 1 through 4.

29 Sec. 437. Section 222.78, Code 2023, is amended to read as
30 follows:

31 **222.78 Parents and others liable for support.**

32 1. The father and mother of any patient admitted to a
33 resource center or to a special unit, as either an inpatient
34 or an outpatient, and any person, firm, or corporation bound
35 by contract made for support of the patient are liable for the

1 support of the patient. The patient and those legally bound
 2 for the support of the patient shall be liable to the county or
 3 state, as applicable, for all sums advanced in accordance with
 4 the provisions of sections 222.60 and 222.77.

5 2. The liability of any person, other than the patient,
 6 who is legally bound for the support of a patient who is
 7 under eighteen years of age in a resource center or a special
 8 unit shall not exceed the average minimum cost of the care
 9 of a ~~normally intelligent~~ minor without a an intellectual
 10 disability of the same age and sex as the minor patient. The
 11 ~~administrator department~~ shall establish the scale for this
 12 purpose but the scale shall not exceed the standards for
 13 personal allowances established ~~by the state division~~ under
 14 the family investment program. The father or mother shall
 15 incur liability only during any period when the father or
 16 mother either individually or jointly receive a net income
 17 from whatever source, commensurate with that upon which they
 18 would be liable to make an income tax payment to this state.
 19 The father or mother of a patient shall not be liable for the
 20 support of the patient upon the patient attaining eighteen
 21 years of age. Nothing in this section shall be construed to
 22 prevent a relative or other person from voluntarily paying the
 23 full actual cost as established by the ~~administrator department~~
 24 for caring for the patient with an intellectual disability.

25 Sec. 438. Section 222.84, Code 2023, is amended to read as
 26 follows:

27 **222.84 Patients' personal deposit fund.**

28 There is ~~hereby~~ established at each resource center and
 29 special unit a ~~fund which shall be known as the "patients'~~
 30 ~~personal deposit fund"; provided that in.~~ In the case of
 31 a special unit, the director may direct that the patients'
 32 personal deposit fund be maintained and administered as a part
 33 of the fund established, pursuant to sections 226.43 through
 34 226.46, by the state mental health institute where the special
 35 unit is located.

1 Sec. 439. Section 222.86, Code 2023, is amended to read as
2 follows:

3 **222.86 Payment for care from fund.**

4 If a patient is not receiving medical assistance under
5 chapter 249A and the amount in the account of any patient
6 in the patients' personal deposit fund exceeds two hundred
7 dollars, ~~the business manager of the resource center or special~~
8 ~~unit~~ department may apply any amount of the excess to reimburse
9 the county of residence or the state for liability incurred by
10 the county or the state for the payment of care, support, and
11 maintenance of the patient, when billed by the county or state,
12 as applicable.

13 Sec. 440. Section 222.87, Code 2023, is amended to read as
14 follows:

15 **222.87 Deposit in bank.**

16 The ~~business manager~~ department shall deposit the patients'
17 personal deposit fund in a commercial account of a bank of
18 reputable standing. When deposits in the commercial account
19 exceed average monthly withdrawals, the ~~business manager~~
20 department may deposit the excess at interest. The savings
21 account shall be in the name of the patients' personal deposit
22 fund and interest paid ~~thereon~~ on the account may be used for
23 recreational purposes for the patients at the resource center
24 or special unit.

25 Sec. 441. Section 222.88, Code 2023, is amended to read as
26 follows:

27 **222.88 Special intellectual disability unit.**

28 The director of ~~human services~~ may organize and establish a
29 special intellectual disability unit at an existing institution
30 which may provide:

31 1. Psychiatric and related services to children with an
32 intellectual disability and adults ~~who are also emotionally~~
33 ~~disturbed~~ with an emotional disturbance or ~~otherwise mentally~~
34 ~~ill~~ a mental illness.

35 2. Specific programs to meet the needs of such other special

1 categories of persons with an intellectual disability as may
2 be designated by the director.

3 3. Appropriate diagnostic evaluation services.

4 Sec. 442. Section 225.1, subsection 2, Code 2023, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. c. "*Respondent*" means the same as defined
7 in section 229.1.

8 Sec. 443. Section 225.5, Code 2023, is amended to read as
9 follows:

10 **225.5 Cooperation of hospitals.**

11 The medical director of the state psychiatric hospital
12 shall seek to bring about systematic cooperation between the
13 ~~several state hospitals for persons with mental illness~~ health
14 institutes and the state psychiatric hospital.

15 Sec. 444. Section 225.26, Code 2023, is amended to read as
16 follows:

17 **225.26 Private patients — disposition of funds.**

18 All moneys collected from private patients shall be used for
19 the support of the ~~said~~ state psychiatric hospital.

20 Sec. 445. Section 225.28, Code 2023, is amended to read as
21 follows:

22 **225.28 Appropriation.**

23 The state shall pay to the state psychiatric hospital, out of
24 any moneys in the state treasury not otherwise appropriated,
25 all expenses for the administration of the hospital, and for
26 the care, treatment, and maintenance of committed and voluntary
27 public patients ~~therein~~ in the state psychiatric hospital,
28 including ~~their~~ clothing and all other expenses of the hospital
29 for the public patients. The bills for the expenses shall be
30 rendered monthly in accordance with rules agreed upon by the
31 director of the department of administrative services and the
32 state board of regents.

33 Sec. 446. Section 225.33, Code 2023, is amended to read as
34 follows:

35 **225.33 Death of patient — disposal of body.**

1 ~~In the event that a~~ When a committed public patient or
 2 a voluntary public patient or a committed private patient
 3 ~~should die~~ dies while at the state psychiatric hospital or
 4 at the university hospital, the state psychiatric hospital
 5 shall have the body prepared for shipment in accordance with
 6 the rules prescribed by the ~~state board of health~~ council on
 7 health and human services for shipping such bodies; ~~and it~~
 8 ~~shall be.~~ It is the duty of the state board of regents to make
 9 arrangements for the embalming and such other preparation as
 10 ~~may be~~ necessary to comply with the rules and for the purchase
 11 of suitable caskets.

12 Sec. 447. Section 225.35, Code 2023, is amended to read as
 13 follows:

14 **225.35 Expense collected.**

15 ~~In the event that the said~~ When a person is a committed
 16 private patient, it ~~shall be~~ is the duty of the county
 17 auditor of the proper county to proceed to collect all of such
 18 expenses, in accordance with the provisions of sections 225.23
 19 and 225.24.

20 Sec. 448. Section 225C.2, Code 2023, is amended to read as
 21 follows:

22 **225C.2 Definitions.**

23 As used in this chapter:

24 1. ~~"Administrator" means the administrator of the division.~~

25 2. 1. "Child" or "children" means a person or persons under
 26 eighteen years of age.

27 3. 2. "Children's behavioral health services" means services
 28 for children with a serious emotional disturbance.

29 4. 3. "Children's behavioral health system" or "children's
 30 system" means the behavioral health service system for children
 31 implemented pursuant to this subchapter.

32 5. 4. "Commission" means the mental health and disability
 33 services commission.

34 5. "Council" means the council on health and human services.

35 6. "Department" means the department of health and human

1 services.

2 7. "*Director*" means the director of health and human
3 services.

4 8. "*Disability services*" means services and other support
5 available to a person with mental illness, an intellectual
6 disability or other developmental disability, or brain injury.

7 ~~9. "*Division*" means the division of mental health and~~
8 ~~disability services of the department.~~

9 ~~10.~~ 9. "*Mental health and disability services region*"
10 means a mental health and disability services region formed in
11 accordance with section 331.389.

12 ~~11.~~ 10. "*Mental health and disability services regional*
13 *service system*" means the mental health and disability service
14 system for a mental health and disability services region.

15 ~~12.~~ 11. "*Regional administrator*" means the same as defined
16 in section 331.388.

17 ~~13.~~ 12. "*Serious emotional disturbance*" means a diagnosable
18 mental, behavioral, or emotional disorder of sufficient
19 duration to meet diagnostic criteria specified within the most
20 current diagnostic and statistical manual of mental disorders
21 published by the American psychiatric association that results
22 in a functional impairment. "*Serious emotional disturbance*"
23 does not include substance use or developmental disorders
24 unless those disorders co-occur with such a diagnosable mental,
25 behavioral, or emotional disorder.

26 ~~14.~~ 13. "*State board*" means the children's behavioral
27 health system state board created in section 225C.51.

28 Sec. 449. Section 225C.3, Code 2023, is amended to read as
29 follows:

30 ~~225C.3 Division of mental health and disability services~~
31 Department — state mental health authority.

32 1. The ~~division~~ department is designated the state mental
33 health authority as defined in 42 U.S.C. §201(m) (1976) for
34 the purpose of directing the benefits of the National Mental
35 Health Act, 42 U.S.C. §201 et seq. This designation does

1 not preclude the state board of regents from authorizing or
 2 directing any institution under its jurisdiction to carry out
 3 educational, prevention, and research activities in the areas
 4 of mental health and intellectual disability. The ~~division~~
 5 department may contract with the state board of regents or any
 6 institution under the board's jurisdiction to perform any of
 7 these functions.

8 2. The ~~division~~ department is designated the state
 9 developmental disabilities agency for the purpose of directing
 10 the benefits of the federal Developmental Disabilities
 11 Assistance and Bill of Rights Act, 42 U.S.C. §15001 et seq.

12 ~~3. The division is administered by the administrator. The~~
 13 ~~administrator of the division shall be qualified in the general~~
 14 ~~field of mental health, intellectual disability, or other~~
 15 ~~disability services, and preferably in more than one field.~~
 16 ~~The administrator shall have at least five years of experience~~
 17 ~~as an administrator in one or more of these fields.~~

18 Sec. 450. Section 225C.4, Code 2023, is amended to read as
 19 follows:

20 **225C.4 Administrator's Department duties.**

21 1. To the extent funding is available, the ~~administrator~~
 22 department shall perform the following duties:

23 a. Prepare and administer the comprehensive mental health
 24 and disability services plan as provided in section 225C.6B,
 25 including state mental health and intellectual disability
 26 plans for the provision of disability services within the
 27 state and the state developmental disabilities plan. The
 28 ~~administrator~~ department shall take into account any related
 29 planning activities implemented by the ~~Iowa department of~~
 30 ~~public health, the~~ state board of regents or a body designated
 31 by the board for that purpose, the department of management
 32 or a body designated by the director of the department for
 33 that purpose, the department of education, the department of
 34 workforce development and any other appropriate governmental
 35 body, in order to facilitate coordination of disability

1 services provided in this state. The state mental health and
2 intellectual disability plans shall be consistent with the
3 state health plan, and shall take into account mental health
4 and disability services regional service system management
5 plans.

6 *b.* Assist mental health and disability services region
7 governing boards and regional administrators in planning for
8 community-based disability services.

9 *c.* Assist the state board in planning for community-based
10 children's behavioral health services.

11 *d.* Emphasize the provision of evidence-based outpatient and
12 community support services by community mental health centers
13 and local intellectual disability providers as a preferable
14 alternative to acute inpatient services and services provided
15 in large institutional settings.

16 *e.* Encourage and facilitate coordination of mental health
17 and disability services with the objective of developing
18 and maintaining in the state a mental health and disability
19 service delivery system to provide services to all persons
20 in this state who need the services, regardless of the place
21 of residence or economic circumstances of those persons.

22 The ~~administrator~~ department shall work with the commission
23 and other state agencies, including but not limited to the
24 departments of corrections, and education, and ~~public health~~
25 ~~and~~ the state board of regents, to develop and implement a
26 strategic plan to expand access to qualified mental health
27 workers across the state.

28 *f.* Encourage and facilitate applied research and preventive
29 educational activities related to causes and appropriate
30 treatment for disabilities. The ~~administrator~~ department may
31 designate, or enter into agreements with, private or public
32 agencies to carry out this function.

33 *g.* Coordinate community-based services with those of the
34 state mental health institutes and state resource centers.

35 *h.* Administer state programs regarding the care, treatment,

1 and supervision of persons with mental illness or an
2 intellectual disability, except the programs administered by
3 the state board of regents.

4 *i.* Administer and distribute state appropriations in
5 connection with the mental health and disability services
6 regional service fund established by section 225C.7A.

7 *j.* Act as compact administrator with power to effectuate the
8 purposes of interstate compacts on mental health.

9 *k.* Establish and maintain a data collection and management
10 information system oriented to the needs of patients,
11 providers, the department, and other programs or facilities in
12 accordance with section 225C.6A. The system shall be used to
13 identify, collect, and analyze service outcome and performance
14 measures data in order to assess the effects of the services
15 on the persons utilizing the services. The ~~administrator~~
16 department shall annually submit to the commission information
17 collected by the department indicating the changes and trends
18 in the mental health and disability services system. The
19 ~~administrator~~ department shall make the outcome data available
20 to the public.

21 *l.* Encourage and facilitate coordination of children's
22 behavioral health services with the objective of developing
23 and maintaining in the state a children's behavioral health
24 system to provide behavioral health services to all children
25 in this state who need the services, regardless of the place
26 of residence or economic circumstances of those children.
27 The ~~administrator~~ department shall work with the state board
28 and other state agencies including but not limited to the
29 department of education ~~and the department of public health~~
30 to develop and implement a strategic plan to expand access to
31 qualified mental health workers across the state.

32 *m.* Establish and maintain a data collection and management
33 information system oriented to the needs of children utilizing
34 the children's behavioral health system, providers, the
35 department, and other programs or facilities in accordance

1 with section 225C.6A. The system shall be used to identify,
2 collect, and analyze service outcome and performance measures
3 data in order to assess the effects of the services on the
4 children utilizing the services. The ~~administrator~~ department
5 shall annually submit to the state board information collected
6 by the department indicating the changes and trends in the
7 children's behavioral health system. The ~~administrator~~
8 department shall make the outcome data available to the public.

9 *n.* Prepare a ~~division~~ budget and reports of the ~~division's~~
10 department's activities.

11 *o.* Establish suitable agreements with other state
12 agencies to encourage appropriate care and to facilitate the
13 coordination of disability services.

14 *p.* Provide consultation and technical assistance to
15 patients' advocates appointed pursuant to section 229.19,
16 in cooperation with the judicial branch and the certified
17 volunteer long-term care ombudsmen certified pursuant to
18 section 231.45.

19 *q.* Provide technical assistance to agencies and
20 organizations, to aid them in meeting standards which are
21 established, or with which compliance is required, under
22 statutes administered by the ~~administrator~~ department,
23 including but not limited to chapters 227 and 230A.

24 *r.* Recommend to the commission minimum accreditation
25 standards for the maintenance and operation of community mental
26 health centers, services, and programs under section 230A.110.
27 The ~~administrator's~~ department's review and evaluation of the
28 centers, services, and programs for compliance with the adopted
29 standards shall be as provided in section 230A.111.

30 *s.* Recommend to the commission minimum standards for
31 supported community living services. The ~~administrator~~
32 department shall review and evaluate the services for
33 compliance with the adopted standards.

34 *t.* In cooperation with the department of inspections and
35 appeals, recommend minimum standards under section 227.4 for

1 the care of and services to persons with mental illness or an
2 intellectual disability residing in county care facilities.
3 The ~~administrator~~ department shall also cooperate with the
4 department of inspections and appeals in recommending minimum
5 standards for care of and services provided to persons with
6 mental illness or an intellectual disability living in a
7 residential care facility regulated under chapter 135C.

8 ~~u. In cooperation with the Iowa department of public health,~~
9 ~~recommend~~ Recommend minimum standards for the maintenance and
10 operation of public or private facilities offering disability
11 services, which are not subject to licensure by the department
12 or the department of inspections and appeals.

13 v. Provide technical assistance concerning disability
14 services and funding to mental health and disability services
15 region governing boards and regional administrators.

16 w. Coordinate with the mental health planning and advisory
17 council created pursuant to 42 U.S.C. §300x-3 to ensure the
18 council membership includes representation by a military
19 veteran who is knowledgeable concerning the behavioral and
20 mental health issues of veterans.

21 x. Enter into performance-based contracts with
22 regional administrators as described in section 331.390.
23 A performance-based contract shall require a regional
24 administrator to fulfill the statutory and regulatory
25 requirements of the regional service system under this chapter
26 and chapter 331. A failure to fulfill the requirements may be
27 addressed by remedies specified in the contract, including but
28 not limited to suspension of contract payments or cancellation
29 of the contract. The contract provisions may include but are
30 not limited to requirements for the regional service system
31 to attain outcomes within a specified range of acceptable
32 performance in any of the following categories:

33 (1) Access standards for the required core services.

34 (2) Penetration rates for serving the number of persons
35 expected to be served.

1 (3) Utilization rates for inpatient and residential
2 treatment.

3 (4) Readmission rates for inpatient and residential
4 treatment.

5 (5) Employment of the persons receiving services.

6 (6) Administrative costs.

7 (7) Data reporting.

8 (8) Timely and accurate claims processing.

9 (9) School attendance.

10 y. Provide information through the internet concerning
11 waiting lists for services implemented by mental health and
12 disability services regions.

13 2. The ~~administrator~~ department may:

14 a. Apply for, receive, and administer federal aids, grants,
15 and gifts for purposes relating to disability services or
16 programs.

17 b. Establish and supervise suitable standards of care,
18 treatment, and supervision for persons with disabilities in
19 all institutions under the control of the director ~~of human~~
20 ~~services~~.

21 c. Appoint professional consultants to furnish advice on
22 any matters pertaining to disability services. The consultants
23 shall be paid as provided by an appropriation of the general
24 assembly.

25 d. Administer a public housing unit ~~within a bureau of~~
26 ~~the division~~ program to apply for, receive, and administer
27 federal assistance, grants, and other public or private funds
28 for purposes related to providing housing in accordance with
29 section 225C.45.

30 Sec. 451. Section 225C.5, subsection 1, paragraph j, Code
31 2023, is amended to read as follows:

32 j. One member shall be an active board member of an agency
33 serving persons with a substance ~~abuse problem~~ use disorder
34 selected from nominees submitted by the Iowa behavioral health
35 association.

1 Sec. 452. Section 225C.6, Code 2023, is amended to read as
2 follows:

3 **225C.6 Duties of commission.**

4 1. To the extent funding is available, the commission shall
5 perform the following duties:

6 a. Advise the ~~administrator~~ department on the administration
7 of the overall state disability services system.

8 b. Pursuant to recommendations made for this purpose by
9 the ~~administrator~~ director, adopt necessary rules pursuant to
10 chapter 17A which relate to disability programs and services,
11 including but not limited to definitions of each disability
12 included within the term "*disability services*" as necessary for
13 purposes of state, county, and regional planning, programs, and
14 services.

15 c. Adopt standards for community mental health centers,
16 services, and programs as recommended under section 230A.110.
17 The ~~administrator~~ department shall determine whether to grant,
18 deny, or revoke the accreditation of the centers, services, and
19 programs.

20 d. Adopt standards for the provision under the medical
21 assistance program of individual case management services.

22 e. Unless another governmental body sets standards for a
23 service available to persons with disabilities, adopt state
24 standards for that service. The commission shall review the
25 licensing standards used by the department of ~~human services~~
26 or department of inspections and appeals for those facilities
27 providing disability services.

28 f. Assure that proper reconsideration and appeal procedures
29 are available to persons aggrieved by decisions, actions, or
30 circumstances relating to accreditation.

31 g. Adopt necessary rules for awarding grants from the state
32 and federal government as well as other moneys that become
33 available to the ~~division~~ department for grant purposes.

34 h. Annually submit to the governor and the general assembly:
35 (1) A report concerning the activities of the commission.

1 (2) Recommendations formulated by the commission for
2 changes in law.

3 *i.* By January 1 of each odd-numbered year, submit to the
4 governor and the general assembly an evaluation of:

5 (1) The extent to which services to persons with
6 disabilities are actually available to persons in each county
7 and mental health and disability services region in the state
8 and the quality of those services.

9 (2) The effectiveness of the services being provided by
10 disability service providers in this state and by each of the
11 state mental health institutes established under chapter 226
12 and by each of the state resource centers established under
13 chapter 222.

14 *j.* Advise the ~~administrator~~ director, the council ~~on human~~
15 ~~services~~, the governor, and the general assembly on budgets and
16 appropriations concerning disability services.

17 *k.* Coordinate activities with the Iowa developmental
18 disabilities council and the mental health planning council,
19 created pursuant to federal law. The commission shall work
20 with other state agencies on coordinating, collaborating, and
21 communicating concerning activities involving persons with
22 disabilities.

23 *l.* Pursuant to a recommendation made by the ~~administrator~~
24 department, identify basic financial eligibility standards
25 for the disability services provided by a mental health and
26 disability services region. The initial standards shall be as
27 specified in chapter 331.

28 *m.* Identify disability services outcomes and indicators to
29 support the ability of eligible persons with a disability to
30 live, learn, work, and recreate in communities of the persons'
31 choice. The identification duty includes but is not limited to
32 responsibility for identifying, collecting, and analyzing data
33 as necessary to issue reports on outcomes and indicators at the
34 county, region, and state levels.

35 2. Notwithstanding section 217.3, ~~subsection 6~~, the

1 commission may adopt the rules authorized by subsection 1,
2 pursuant to chapter 17A, without prior review and approval of
3 those rules by the council ~~on human services~~.

4 3. If the executive branch creates a committee, task
5 force, council, or other advisory body to consider disability
6 services policy or program options involving children or adult
7 consumers, the commission is designated to receive and consider
8 any report, findings, recommendations, or other work product
9 issued by such body. The commission may address the report,
10 findings, recommendations, or other work product in fulfilling
11 the commission's functions and to advise the department,
12 council ~~on human services~~, governor, and general assembly
13 concerning disability services.

14 4. a. The department shall coordinate with the
15 department of inspections and appeals in the establishment of
16 facility-based and community-based, subacute mental health
17 services.

18 b. A person shall not provide community-based, subacute
19 mental health services unless the person has been accredited
20 to provide the services. The commission shall adopt standards
21 for subacute mental health services and for accreditation of
22 providers of community-based, subacute mental health services.

23 c. As used in this subsection, "*subacute mental health*
24 *services*" means all of the following:

25 (1) A comprehensive set of wraparound services for persons
26 who have had or are at imminent risk of having acute or
27 crisis mental health symptoms that do not permit the persons
28 to remain in or threatens removal of the persons from their
29 home and community, but who have been determined by a mental
30 health professional and a licensed health care professional,
31 subject to the professional's scope of practice, not to need
32 inpatient acute hospital services. For the purposes of this
33 subparagraph, "*mental health professional*" means the same as
34 defined in section 228.1 and "*licensed health care professional*"
35 means a person licensed under chapter 148 to practice medicine

1 and surgery or osteopathic medicine and surgery, an advanced
2 registered nurse practitioner licensed under chapter 152 or
3 152E, or a physician assistant licensed to practice under the
4 supervision of a physician as authorized in chapters 147 and
5 148C.

6 (2) Intensive, recovery-oriented treatment and monitoring
7 of the person with direct or remote access to a psychiatrist or
8 advanced registered nurse practitioner.

9 (3) An outcome-focused, interdisciplinary approach designed
10 to return the person to living successfully in the community.

11 (4) Services that may be provided in a wide array of
12 settings ranging from the person's home to a facility providing
13 subacute mental health services.

14 (5) Services that are time limited to not more than ten
15 days or another time period determined in accordance with rules
16 adopted for this purpose.

17 *d.* Subacute mental health services and the standards for
18 the services shall be established in a manner that allows for
19 accessing federal Medicaid funding.

20 Sec. 453. Section 225C.6B, Code 2023, is amended to read as
21 follows:

22 **225C.6B Mental health and disability services system —**
23 **legislative intent — comprehensive plan — state and regional**
24 **service systems.**

25 1. *Intent.*

26 *a.* The general assembly intends for the state to implement
27 a comprehensive, continuous, and integrated state mental
28 health and disability services plan in accordance with
29 the requirements of sections 225C.4 and 225C.6 and other
30 provisions of this chapter, by increasing the department's
31 responsibilities in the development, funding, oversight, and
32 ongoing leadership of mental health and disability services in
33 this state.

34 *b.* In order to further the purposes listed in section 225C.1
35 and in other provisions of this chapter, the general assembly

1 intends that efforts focus on the goal of making available a
 2 comprehensive array of high-quality, evidence-based consumer
 3 and family-centered mental health and disability services and
 4 other support in the least restrictive, community-based setting
 5 appropriate for a consumer.

6 *c.* In addition, it is the intent of the general assembly
 7 to promote policies and practices that achieve for consumers
 8 the earliest possible detection of mental health problems and
 9 the need for disability services and for early intervention;
 10 to stress that all health care programs address mental health
 11 disorders with the same urgency as physical health disorders;
 12 to promote the policies of all public programs that serve
 13 adults and children with mental disorders or with a need
 14 for disability services, including but not limited to child
 15 welfare, Medicaid, education, housing, criminal and juvenile
 16 justice, substance ~~abuse~~ use disorder treatment, and employment
 17 services; to consider the special mental health and disability
 18 services needs of adults and children; and to promote recovery
 19 and resiliency as expected outcomes for all consumers.

20 2. *Comprehensive plan.* The ~~division~~ department shall
 21 develop a comprehensive written five-year state mental health
 22 and disability services plan with annual updates and readopt
 23 the plan every five years. The plan shall describe the key
 24 components of the state's mental health and disability services
 25 system, including the services that are community-based, state
 26 institution-based, or regional or state-based. The five-year
 27 plan and each update shall be submitted annually to the
 28 commission on or before October 30 for review and approval.

29 3. *State and regional disability service systems.* The
 30 publicly financed disability services for persons with mental
 31 illness, intellectual disability or other developmental
 32 disability, or brain injury in this state shall be provided by
 33 the department and the counties operating together as regions.
 34 The financial and administrative responsibility for such
 35 services is as follows:

1 a. Disability services for children and adults that are
2 covered under the medical assistance program pursuant to
3 chapter 249A are the responsibility of the state.

4 b. Adult mental health and intellectual disability services
5 that are not covered under the medical assistance program are
6 the responsibility of the county-based regional service system.

7 c. Children's behavioral health services provided to
8 eligible children that are not covered under the medical
9 assistance program or other third-party payor are the
10 responsibility of the county-based regional service system.

11 Sec. 454. Section 225C.6C, Code 2023, is amended to read as
12 follows:

13 **225C.6C Regional service system — regulatory requirements.**

14 1. The ~~departments~~ department and the department of
15 inspections, and appeals, human services, and public health and
16 licensing shall comply with the requirements of this section in
17 their efforts to improve the regulatory requirements applied
18 to the mental health and disability services regional service
19 system administration and service providers.

20 2. The ~~three~~ departments shall work together to establish
21 a process to streamline accreditation, certification, and
22 licensing standards applied to the regional service system
23 administration and service providers.

24 3. The ~~departments of human services and inspections and~~
25 ~~appeals~~ shall jointly review the standards and inspection
26 process applicable to residential care facilities.

27 4. The ~~three~~ departments shall do all of the following in
28 developing regulatory requirements applicable to the regional
29 service system administration and service providers:

30 a. Consider the costs to regional administrators and
31 providers in the development of quality monitoring efforts.

32 b. Implement the use of uniform, streamlined, and statewide
33 cost reporting standards and tools by the regional service
34 system and the ~~department of human services~~.

35 c. Make quality monitoring information, including services,

1 quality, and location information, easily available and
2 understandable to all citizens.

3 *d.* Establish standards that are clearly understood and are
4 accompanied by interpretive guidelines to support understanding
5 by those responsible for applying the standards.

6 *e.* Develop a partnership with providers in order to
7 improve the quality of services and develop mechanisms for the
8 provision of technical assistance.

9 *f.* Develop consistent data collection efforts based on
10 statewide standards and make information available to all
11 providers. The efforts under this paragraph shall be made with
12 representatives of the Iowa state association of counties.

13 *g.* Evaluate existing provider qualification and monitoring
14 efforts to identify duplication and gaps, and align the efforts
15 with valued outcomes.

16 *h.* Streamline and enhance existing standards.

17 *i.* Consider allowing providers to seek accreditation from
18 a national accrediting body in lieu of state accreditation or
19 certification.

20 Sec. 455. Section 225C.7A, subsection 7, Code 2023, is
21 amended to read as follows:

22 7. *a.* For the fiscal year beginning July 1, 2021, each
23 mental health and disability services region for which the
24 amount certified during the fiscal year under section 331.391,
25 subsection 4, paragraph "b", exceeds forty percent of the actual
26 expenditures of the region for the fiscal year preceding the
27 fiscal year in progress, the remaining quarterly payments of
28 the region's regional service payment shall be reduced by
29 an amount equal to the amount by which the region's amount
30 certified under section 331.391, subsection 4, paragraph "b",
31 exceeds forty percent of the actual expenditures of the region
32 for the fiscal year preceding the fiscal year in progress, but
33 the amount of the reduction shall not exceed the total amount
34 of the region's regional service payment for the fiscal year.
35 If the region's remaining quarterly payments are insufficient

1 to effectuate the required reductions under this paragraph, the
2 region is required to pay to the department ~~of human services~~
3 any amount for which the reduction in quarterly payments could
4 not be made. The amount of reductions to quarterly payments
5 and amounts paid to the department under this paragraph shall
6 be transferred and credited to the region incentive fund under
7 subsection 8.

8 *b.* For the fiscal year beginning July 1, 2022, each mental
9 health and disability services region for which the amount
10 certified during the fiscal year under section 331.391,
11 subsection 4, paragraph "b", exceeds twenty percent of the
12 actual expenditures of the region for the fiscal year preceding
13 the fiscal year in progress, the remaining quarterly payments
14 of the region's regional service payment shall be reduced by
15 an amount equal to the amount by which the region's amount
16 certified under section 331.391, subsection 4, paragraph "b",
17 exceeds twenty percent of the actual expenditures of the region
18 for the fiscal year preceding the fiscal year in progress, but
19 the amount of the reduction shall not exceed the total amount
20 of the region's regional service payment for the fiscal year.
21 If the region's remaining quarterly payments are insufficient
22 to effectuate the required reductions under this paragraph, the
23 region is required to pay to the department ~~of human services~~
24 any amount for which the reduction in quarterly payments could
25 not be made. The amount of reductions to quarterly payments
26 and amounts paid to the department under this paragraph shall
27 be transferred and credited to the region incentive fund under
28 subsection 8.

29 *c.* For the fiscal year beginning July 1, 2023, and each
30 succeeding fiscal year, each mental health and disability
31 services region for which the amount certified during the
32 fiscal year under section 331.391, subsection 4, paragraph "b",
33 exceeds five percent of the actual expenditures of the region
34 for the fiscal year preceding the fiscal year in progress, the
35 remaining quarterly payments of the region's regional service

1 payment shall be reduced by an amount equal to the amount by
 2 which the region's amount certified under section 331.391,
 3 subsection 4, paragraph "b", exceeds five percent of the actual
 4 expenditures of the region for the fiscal year preceding the
 5 fiscal year in progress, but the amount of the reduction
 6 shall not exceed the total amount of the region's regional
 7 service payment for the fiscal year. If the region's remaining
 8 quarterly payments are insufficient to effectuate the required
 9 reductions under this paragraph, the region is required to
 10 pay to the department ~~of human services~~ any amount for which
 11 the reduction in quarterly payments could not be made. The
 12 amount of reductions to quarterly payments and amounts paid to
 13 the department under this paragraph shall be transferred and
 14 credited to the region incentive fund under subsection 8.

15 Sec. 456. Section 225C.13, Code 2023, is amended to read as
 16 follows:

17 **225C.13 Authority to establish and lease facilities.**

18 1. ~~The administrator assigned, in accordance with section~~
 19 ~~218.1, to control the state mental health institutes and the~~
 20 ~~state resource centers~~ department may enter into agreements
 21 under which a facility or portion of a facility administered by
 22 the ~~administrator~~ department under section 218.1 is leased to a
 23 department or a division of state government, a county or group
 24 of counties, a mental health and disability services region, or
 25 a private nonprofit corporation organized under chapter 504. A
 26 lease executed under this section shall require that the lessee
 27 use the leased premises to deliver either disability services
 28 or other services normally delivered by the lessee.

29 2. ~~The division administrator~~ director may work with the
 30 ~~appropriate administrator of the~~ department's institutions to
 31 establish mental health and intellectual disability services
 32 for all institutions under the control of the director ~~of human~~
 33 ~~services~~ and to establish an autism unit, following mutual
 34 planning and consultation with the medical director of the
 35 state psychiatric hospital, at an institution or a facility

1 administered by the department to provide psychiatric and
2 related services and other specific programs to meet the needs
3 of ~~autistic~~ persons with autism, and to furnish appropriate
4 diagnostic evaluation services.

5 Sec. 457. Section 225C.19, Code 2023, is amended to read as
6 follows:

7 **225C.19 Emergency mental health crisis services system.**

8 1. For the purposes of this section:

9 a. *"Emergency mental health crisis services provider"* means
10 a provider accredited or approved by the department to provide
11 emergency mental health crisis services.

12 b. *"Emergency mental health crisis services system"* or
13 *"services system"* means a coordinated array of crisis services
14 for providing a response to assist an individual adult or child
15 who is experiencing a mental health crisis or who is in a
16 situation that is reasonably likely to cause the individual to
17 have a mental health crisis unless assistance is provided.

18 2. a. The ~~division~~ department shall implement an emergency
19 mental health crisis services system in consultation with
20 counties, and community mental health centers and other mental
21 health and social service providers, in accordance with this
22 section.

23 b. The purpose of the services system is to provide a
24 statewide array of time-limited intervention services to reduce
25 escalation of crisis situations, relieve the immediate distress
26 of individuals experiencing a crisis situation, reduce the risk
27 of individuals in a crisis situation doing harm to themselves
28 or others, and promote timely access to appropriate services
29 for those who require ongoing mental health services.

30 c. The services system shall be available twenty-four hours
31 per day, seven days per week to any individual who is in or is
32 determined by others to be in a crisis situation, regardless of
33 whether the individual has been diagnosed with a mental illness
34 or a co-occurring mental illness and substance ~~abuse~~ use
35 disorder. The system shall address all ages, income levels,

1 and health coverage statuses.

2 *d.* The goals of an intervention offered by a provider
3 under the services system shall include but are not limited to
4 symptom reduction, stabilization of the individual receiving
5 the intervention, and restoration of the individual to a
6 previous level of functioning.

7 *e.* The elements of the services system shall be specified in
8 administrative rules adopted by the commission.

9 3. The services system elements shall include but are not
10 limited to all of the following:

11 *a.* Standards for accrediting or approving emergency mental
12 health crisis services providers. Such providers may include
13 but are not limited to a community mental health center
14 designated under chapter 230A, a unit of the department or
15 other state agency, a county, a mental health and disability
16 services region, or any other public or private provider who
17 meets the accreditation or approval standards for an emergency
18 mental health crisis services provider.

19 *b.* Identification by the ~~division~~ department of geographic
20 regions, groupings of mental health and disability services
21 regions, ~~service areas~~, or other means of distributing and
22 organizing the emergency mental health crisis services system
23 to ensure statewide availability of the services.

24 *c.* Coordination of emergency mental health crisis services
25 with all of the following:

26 (1) The district and juvenile courts.

27 (2) Law enforcement.

28 (3) Judicial district departments of correctional services.

29 (4) Mental health and disability services regions.

30 (5) Other mental health, substance ~~abuse~~ use disorder, and
31 co-occurring mental illness and substance ~~abuse~~ use disorder
32 services available through the state and counties to serve both
33 children and adults.

34 *d.* Identification of basic services to be provided through
35 each accredited or approved emergency mental health crisis

1 services provider which may include but are not limited to
2 face-to-face crisis intervention, stabilization, support,
3 counseling, preadmission screening for individuals who may
4 require psychiatric hospitalization, transportation, and
5 follow-up services.

6 e. Identification of operational requirements for emergency
7 mental health crisis services provider accreditation or
8 approval which may include providing a telephone hotline,
9 mobile crisis staff, collaboration protocols, follow-up with
10 community services, information systems, and competency-based
11 training.

12 4. The ~~division~~ department shall initially implement
13 the program through a competitive block grant process.
14 The implementation shall be limited to the extent of the
15 appropriations provided for the program.

16 Sec. 458. Section 225C.19A, Code 2023, is amended to read
17 as follows:

18 **225C.19A Crisis stabilization programs.**

19 The department shall accredit, certify, or apply standards
20 of review to authorize the operation of crisis stabilization
21 programs, including crisis stabilization programs operating
22 in a psychiatric medical institution for children pursuant
23 to chapter 135H that provide children with mental health,
24 substance ~~abuse~~ use disorder, and co-occurring mental health
25 and substance ~~abuse~~ use disorder services. In authorizing the
26 operation of a crisis stabilization program, the department
27 shall apply the relevant requirements for an emergency mental
28 health crisis services provider and system under section
29 225C.19. A program authorized to operate under this section is
30 not required to be licensed under chapter 135B, 135C, 135G, or
31 135H, or certified under chapter 231C. The commission shall
32 adopt rules to implement this section. The department shall
33 accept accreditation of a crisis stabilization program by a
34 national accrediting organization in lieu of applying the rules
35 adopted in accordance with this section to the program.

1 Sec. 459. Section 225C.20, Code 2023, is amended to read as
2 follows:

3 **225C.20 Responsibilities of mental health and disability**
4 **services regions for individual case management services.**

5 Individual case management services funded under the medical
6 assistance program shall be provided by the department except
7 when a county or a consortium of counties contracts with the
8 department to provide the services. A regional administrator
9 may contract for one or more counties of the region to be
10 the provider at any time and the department shall agree to
11 the contract so long as the contract meets the standards for
12 case management adopted by the department. The regional
13 administrator may subcontract for the provision of case
14 management services so long as the subcontract meets the same
15 standards. A regional administrator may change the provider
16 of individual case management services at any time. If the
17 current or proposed contract is with the department, the
18 regional administrator shall provide written notification of
19 a change at least ninety days before the date the change will
20 take effect.

21 Sec. 460. Section 225C.21, Code 2023, is amended to read as
22 follows:

23 **225C.21 Supported community living services.**

24 1. As used in this section, "*supported community living*
25 *services*" means services provided in a noninstitutional
26 setting to adult persons with mental illness, an intellectual
27 disability, or developmental disabilities to meet the persons'
28 daily living needs.

29 2. The commission shall adopt rules pursuant to chapter 17A
30 establishing minimum standards for supported community living
31 services. The ~~administrator~~ department shall determine whether
32 to grant, deny, or revoke approval for any supported community
33 living service.

34 3. Approved supported community living services may receive
35 funding from the state, federal and state social services block

1 grant funds, and other appropriate funding sources, consistent
 2 with state legislation and federal regulations. The funding
 3 may be provided on a per diem, per hour, or grant basis, as
 4 appropriate.

5 Sec. 461. Section 225C.23, Code 2023, is amended to read as
 6 follows:

7 **225C.23 Brain injury recognized as disability.**

8 1. The department ~~of human services, the Iowa department of~~
 9 ~~public health, the department of education and its divisions~~
 10 division of special education and of the department of
 11 education, the division of vocational rehabilitation services
 12 of the department of workforce development, the department of
 13 ~~human rights and its division for persons with disabilities,~~
 14 the department for the blind, and all other state agencies
 15 which serve persons with brain injuries, shall recognize brain
 16 injury as a distinct disability and shall identify those
 17 persons with brain injuries among the persons served by the
 18 state agency.

19 2. For the purposes of this section, "*brain injury*" means
 20 the same as defined in section 135.22.

21 Sec. 462. Section 225C.29, Code 2023, is amended to read as
 22 follows:

23 **225C.29 Compliance.**

24 Except for a violation of section 225C.28B, subsection
 25 2, the sole remedy for violation of a rule adopted by the
 26 commission to implement sections 225C.25, 225C.26, 225C.28A,
 27 and 225C.28B shall be by a proceeding for compliance initiated
 28 by request to the ~~division~~ department pursuant to chapter
 29 17A. Any decision of the ~~division~~ department shall be in
 30 accordance with due process of law and is subject to appeal to
 31 the Iowa district court pursuant to sections 17A.19 and 17A.20
 32 by any aggrieved party. Either the ~~division~~ department or a
 33 party in interest may apply to the Iowa district court for an
 34 order to enforce the decision of the ~~division~~ department. Any
 35 rules adopted by the commission to implement sections 225C.25,

1 225C.26, 225C.28A, and 225C.28B do not create any right,
 2 entitlement, property, or liberty right or interest, or private
 3 cause of action for damages against the state or a political
 4 subdivision of the state or for which the state or a political
 5 subdivision of the state would be responsible. Any violation
 6 of section 225C.28B, subsection 2, shall solely be subject to
 7 the enforcement by the commissioner of insurance and penalties
 8 granted by chapter 507B for a violation of section 507B.4,
 9 subsection 3, paragraph "g".

10 Sec. 463. Section 225C.35, Code 2023, is amended to read as
 11 follows:

12 **225C.35 Definitions.**

13 For purposes of this subchapter, unless the context
 14 otherwise requires:

15 ~~1. "Department" means the department of human services.~~

16 ~~2.~~ 1. "Family" means a family member and the parent or
 17 legal guardian of the family member.

18 ~~3.~~ 2. "Family member" means a person less than eighteen
 19 years of age who by educational determination has a moderate,
 20 severe, or profound educational disability or special
 21 health care needs or who otherwise meets the definition
 22 of developmental disability in the federal Developmental
 23 Disabilities Assistance and Bill of Rights Act, as codified
 24 in 42 U.S.C. §15002. The department shall adopt rules
 25 establishing procedures for determining whether a child has a
 26 developmental disability.

27 ~~4.~~ 3. "Legal guardian" means a person appointed by a court
 28 to exercise powers over a family member.

29 ~~5.~~ 4. "Medical assistance" means ~~payment of all or part of~~
 30 ~~the care authorized to be provided pursuant to chapter 249A~~ the
 31 same as defined in section 249A.2.

32 ~~6.~~ 5. "Parent" means a biological or adoptive parent.

33 ~~7.~~ 6. "Supplemental security income" means financial
 34 assistance provided to individuals pursuant to Tit. XVI of the
 35 federal Social Security Act, 42 U.S.C. §1381 - 1383c.

1 Sec. 464. Section 225C.37, subsection 1, paragraph d, Code
2 2023, is amended to read as follows:

3 ~~d.~~ A statement that if the child receives medical
4 assistance, then the family support subsidy shall only be used
5 for the cost of a service which is not covered by medical
6 assistance. The family may receive ~~welfare~~ public assistance
7 for which the family is eligible.

8 Sec. 465. Section 225C.45, Code 2023, is amended to read as
9 follows:

10 **225C.45 Public housing ~~unit~~ program.**

11 1. The ~~administrator~~ department may establish a public
12 housing ~~unit within a bureau of the division~~ program to apply
13 for, receive, and administer federal assistance, grants, and
14 other public or private funds for purposes related to providing
15 housing.

16 2. In implementing the public housing ~~unit~~ program, the
17 ~~division~~ department may do all of the following:

18 ~~a.~~ Prepare, implement, and operate housing projects
19 and provide for the construction, improvement, extension,
20 alteration, or repair of a housing project under the ~~division's~~
21 department's jurisdiction.

22 ~~b.~~ Develop and implement studies, conduct analyses, and
23 engage in research concerning housing and housing needs. The
24 information obtained from these activities shall be made
25 available to the public and to the building, housing, and
26 supply industries.

27 ~~c.~~ Cooperate with the Iowa finance authority, ~~and~~
28 participate in any of the authority's programs. ~~Use, and use~~
29 any funds obtained pursuant to subsection 1 to participate in
30 the authority's programs. The ~~division~~ department shall comply
31 with rules adopted by the authority as the rules apply to the
32 housing activities of the ~~division~~ department.

33 3. In accepting contributions, grants, or other financial
34 assistance from the federal government relating to a housing
35 activity of the ~~division~~ department, including construction,

1 operation, or maintenance, or in managing a housing project or
2 undertaking constructed or owned by the federal government, the
3 ~~division~~ department may do any of the following:

4 a. Comply with federally required conditions or enter into
5 contracts or agreements as ~~may be~~ necessary, convenient, or
6 desirable.

7 b. Take any other action necessary or desirable in order
8 to secure the financial aid or cooperation of the federal
9 government.

10 c. Include in a contract with the federal government for
11 financial assistance any provision which the federal government
12 may require as a condition of the assistance that is consistent
13 with the provisions of this section.

14 4. The ~~division~~ department shall not proceed with a housing
15 project pursuant to this section, unless both of the following
16 conditions are met:

17 a. A study for a report which includes recommendations
18 concerning the housing available within a community is publicly
19 issued by the ~~division~~ department. The study shall be included
20 in the ~~division's~~ department's recommendations for a housing
21 project.

22 b. The ~~division's~~ department's recommendations are approved
23 by a majority of the city council or board of supervisors
24 with jurisdiction over the geographic area affected by the
25 recommendations.

26 5. Property acquired or held pursuant to this section
27 is public property used for essential public purposes and is
28 declared to be exempt from any tax or special assessment of the
29 state or any state public body as defined in section 403A.2.
30 In lieu of taxes on the property, the ~~division~~ department may
31 agree to make payments to the state or a state public body,
32 including but not limited to the ~~division~~ department, as the
33 ~~division~~ department finds necessary to maintain the purpose of
34 providing low-cost housing in accordance with this section.

35 6. Any property owned or held by the ~~division~~ department

1 pursuant to this section is exempt from levy and sale by
2 execution. An execution or other judicial process shall not be
3 issued against the property and a judgment against the ~~division~~
4 department shall not be a lien or charge against the property.
5 However, the provisions of this subsection shall not apply to
6 or limit the right of the federal government to pursue any
7 remedies available under this section. The provisions of this
8 subsection shall also not apply to or limit the right of an
9 obligee to take either of the following actions:

10 a. Foreclose or otherwise enforce a mortgage or other
11 security executed or issued pursuant to this section.

12 b. Pursue remedies for the enforcement of a pledge or lien
13 on rents, fees, or revenues.

14 7. In any contract with the federal government to provide
15 annual payments to the ~~division~~ department, the ~~division~~
16 department may obligate itself to convey to the federal
17 government possession of or title to the housing project
18 in the event of a substantial default as defined in the
19 contract and with respect to the covenant or conditions to
20 which the ~~division~~ department is subject. The obligation
21 shall be specifically enforceable and shall not constitute a
22 mortgage. The contract may also provide that in the event of
23 a conveyance, the federal government may complete, operate,
24 manage, lease, convey, or otherwise deal with the housing
25 project and funds in accordance with the terms of the contract.
26 However, the contract shall require that, as soon as is
27 practicable after the federal government is satisfied that all
28 defaults with respect to the housing project are cured and the
29 housing project will be operated in accordance with the terms
30 of the contract, the federal government shall reconvey the
31 housing project to the ~~division~~ department.

32 8. The ~~division~~ department shall not undertake a housing
33 project pursuant to this section until a public hearing has
34 been held. At the hearing, the ~~division~~ department shall
35 notify the public of the proposed project's name, location,

1 number of living units proposed, and approximate cost. Notice
2 of the public hearing shall be published at least once in a
3 newspaper of general circulation at least fifteen days prior to
4 the date set for the hearing.

5 Sec. 466. Section 225C.47, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. A comprehensive family support program is created in the
8 department of ~~human services~~ to provide a statewide system of
9 services and support to eligible families. The program shall
10 be implemented in a manner which enables a family member of
11 an individual with a disability to identify the services and
12 support needed to enable the individual to reside with the
13 individual's family, to function more independently, and to
14 increase the individual's integration into the community.

15 Sec. 467. Section 225C.49, Code 2023, is amended to read as
16 follows:

17 **225C.49 Departmental duties concerning services to**
18 **individuals with a disability.**

19 1. The department shall provide coordination of the
20 programs administered by the department which serve individuals
21 with a disability and the individuals' families, including but
22 not limited to the following juvenile justice and child welfare
23 services: family-centered services described under section
24 232.102, decategorization of child welfare funding provided
25 for under section 232.188, and foster care services paid under
26 section 234.35, subsection 3. The department shall regularly
27 review administrative rules associated with such programs
28 and make recommendations to the council on ~~human services~~,
29 governor, and general assembly for revisions to remove barriers
30 to the programs for individuals with a disability and the
31 individuals' families including the following:

32 a. Eligibility prerequisites which require declaring the
33 individual at risk of abuse, neglect, or out-of-home placement.

34 b. Time limits on services which restrict addressing ongoing
35 needs of individuals with a disability and their families.

1 2. The department shall coordinate the department's
2 programs and funding utilized by individuals with a disability
3 and their families with other state and local programs and
4 funding directed to individuals with a disability and their
5 families.

6 3. In implementing the provisions of this section, the
7 department shall do all of the following:

8 a. Compile information concerning services and other support
9 available to individuals with a disability and their families.
10 Make the information available to individuals with a disability
11 and their families and department staff.

12 b. Utilize internal training resources or contract for
13 additional training of staff concerning the information
14 under paragraph "a" and training of families and individuals
15 as necessary to implement the family support subsidy and
16 comprehensive family support programs under this chapter.

17 4. The department shall designate one individual whose sole
18 duties are to provide central coordination of the programs
19 under sections 225C.36 and 225C.47 and to oversee development
20 and implementation of the programs.

21 Sec. 468. Section 225C.51, Code 2023, is amended to read as
22 follows:

23 **225C.51 Children's behavioral health system state board.**

24 1. A children's behavioral health system state board
25 is created as the state body to provide guidance on the
26 implementation and management of a children's behavioral health
27 system for the provision of services to children with a serious
28 emotional disturbance. State board members shall be appointed
29 on the basis of interest and experience in the fields of
30 children's behavioral health to ensure adequate representation
31 from persons with life experiences and from persons
32 knowledgeable about children's behavioral health services. The
33 department shall provide support to the state board, and the
34 board may utilize staff support and other assistance provided
35 to the state board by other persons. The state board shall

1 meet at least four times per year. The membership of the state
2 board shall consist of the following persons:

3 a. The director of the department of health and human
4 services or the director's designee.

5 b. The director of the department of education or the
6 director's designee.

7 ~~c. The director of the department of public health or the~~
8 ~~director's designee.~~

9 ~~d.~~ c. The director of workforce development or the
10 director's designee.

11 ~~e.~~ d. A member of the mental health and disability services
12 commission.

13 ~~f.~~ e. Members appointed by the governor who are active
14 members of each of the indicated groups:

15 (1) One member shall be selected from nominees submitted by
16 the state court administrator.

17 (2) One member shall be selected from nominees submitted by
18 the early childhood Iowa office program in the department of
19 management.

20 (3) One member shall be a board member or an employee of a
21 provider of mental health services to children.

22 (4) One member shall be a board member or an employee of a
23 provider of child welfare services.

24 (5) One member shall be an administrator of an area
25 education agency.

26 (6) One member shall be an educator, counselor, or
27 administrator of a school district.

28 (7) One member shall be a representative of an established
29 advocacy organization whose mission or purpose it is, in part,
30 to further goals related to children's mental health.

31 (8) One member shall be a parent or guardian of a child
32 currently utilizing or who has utilized behavioral health
33 services.

34 (9) One member shall be a sheriff.

35 (10) One member shall be a pediatrician.

1 (11) One member shall be a representative from a health care
2 system.

3 (12) One member shall be a chief executive officer of a
4 mental health and disability services region.

5 ~~g.~~ f. In addition to the voting members, the membership
6 shall include four members of the general assembly with one
7 member designated by each of the following: the majority
8 leader of the senate, the minority leader of the senate, the
9 speaker of the house of representatives, and the minority
10 leader of the house of representatives. A legislative member
11 serves for a term as provided in section 69.16B in a nonvoting,
12 ex officio capacity and is not eligible for per diem and
13 expenses as provided in section 2.10.

14 2. Members appointed by the governor shall serve four-year
15 staggered terms and are subject to confirmation by the senate.
16 The four-year terms shall begin and end as provided in section
17 69.19. Vacancies on the state board shall be filled as
18 provided in section 2.32. A member shall not be appointed for
19 more than two consecutive four-year terms.

20 3. The director of the ~~department of human services~~ and the
21 director of the department of education, or their designees,
22 shall serve as co-chairpersons of the state board. Board
23 members shall not be entitled to a per diem as specified in
24 section 7E.6 and shall not be entitled to actual and necessary
25 expenses incurred while engaged in their official duties.

26 Sec. 469. Section 225C.52, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. Advise the ~~administrator~~ director on the administration
29 of the children's behavioral health system.

30 Sec. 470. Section 225D.1, subsection 6, Code 2023, is
31 amended to read as follows:

32 6. "*Department*" means the department of health and human
33 services.

34 Sec. 471. Section 226.1, Code 2023, is amended to read as
35 follows:

1 **226.1 Official designation — definitions.**

2 1. The state hospitals for persons with mental illness shall
3 be designated as follows:

4 *a.* Mental Health Institute, Independence, Iowa.

5 *b.* Mental Health Institute, Cherokee, Iowa.

6 2. *a.* The purpose of the mental health institutes is to
7 operate as regional resource centers providing one or more of
8 the following:

9 (1) Treatment, training, care, habilitation, and support of
10 persons with mental illness or a substance ~~abuse problem~~ use
11 disorder.

12 (2) Facilities, services, and other support to the
13 communities located in the region being served by a mental
14 health institute so as to maximize the usefulness of the mental
15 health institutes while minimizing overall costs.

16 (3) A unit for the civil commitment of sexually violent
17 predators committed to the custody of the director ~~of human~~
18 ~~services~~ pursuant to chapter 229A.

19 *b.* In addition, the mental health institutes are encouraged
20 to act as a training resource for community-based program
21 staff, medical students, and other participants in professional
22 education programs.

23 3. A mental health institute may request the approval of the
24 council ~~on human services~~ to change the name of the institution
25 for use in communication with the public, in signage, and in
26 other forms of communication.

27 4. For the purposes of this chapter, unless the context
28 otherwise requires:

29 *a.* ~~"Administrator" means the person assigned by the~~
30 ~~director of human services to control the state mental health~~
31 ~~institutes.~~ "Council" means the council on health and human
32 services.

33 *b.* "Department" means the department of health and human
34 services.

35 *c.* "Director" means the director of health and human

1 services.

2 ~~e.~~ d. "*Mental health and disability services region*" means
3 a mental health and disability services region formed in
4 accordance with section 331.389.

5 e. "*Mental health institute*" or "*state mental health*
6 *institute*" means a state hospital for persons with mental
7 illness as designated in this chapter.

8 ~~d.~~ f. "*Regional administrator*" means the ~~regional~~
9 ~~administrator of a mental health and disability services~~
10 ~~region,~~ same as defined in section 331.388.

11 Sec. 472. Section 226.4, Code 2023, is amended to read as
12 follows:

13 **226.4 Salary of superintendent.**

14 The salary of the superintendent of each ~~hospital~~ mental
15 health institute shall be determined by the ~~administrator~~
16 director.

17 Sec. 473. Section 226.5, Code 2023, is amended to read as
18 follows:

19 **226.5 Superintendent as witness.**

20 The superintendents and assistant physicians of ~~said~~
21 ~~hospitals~~ the mental health institutes, when called as
22 witnesses in any court, shall be paid the same mileage which
23 other witnesses are paid and in addition ~~thereto~~ shall be paid
24 a fee of twenty-five dollars per day, ~~said~~ the fee to revert to
25 the support fund of the ~~hospital~~ mental health institute the
26 superintendent or assistant physician serves.

27 Sec. 474. Section 226.6, Code 2023, is amended to read as
28 follows:

29 **226.6 Duties of superintendent.**

30 The superintendent shall:

31 1. Have the control of the medical, mental, moral, and
32 dietetic treatment of the patients in the superintendent's
33 custody subject to the approval of the ~~administrator~~ director.

34 2. Require all subordinate officers and employees to
35 perform their respective duties.

1 3. Have an official seal with the name of the ~~hospital~~
2 mental health institute and the word "Iowa" ~~thereon and on~~
3 the seal. The superintendent may affix the ~~same seal~~ to all
4 notices, orders of discharge, or other papers required to be
5 given by the superintendent.

6 4. Keep proper books in which shall be entered all moneys
7 and supplies received on account of any patient and a detailed
8 account of the disposition of ~~the same~~ all moneys and supplies.

9 Sec. 475. Section 226.7, subsection 1, paragraph a,
10 unnumbered paragraph 1, Code 2023, is amended to read as
11 follows:

12 Preference in the reception of patients into ~~said hospitals~~
13 the mental health institutes shall be exercised in the
14 following order:

15 Sec. 476. Section 226.8, subsection 1, paragraph b, Code
16 2023, is amended to read as follows:

17 b. If determined appropriate for the person at the
18 sole discretion of the director ~~of human services, the~~
19 ~~administrator, or the director's or administrator's~~ designee.

20 Sec. 477. Section 226.9, Code 2023, is amended to read as
21 follows:

22 **226.9 Custody of patient.**

23 The superintendent, upon the receipt of a duly executed
24 order of admission of a patient into ~~the hospital for persons~~
25 ~~with mental illness~~ a state mental health institute, pursuant
26 to section 229.13, shall take ~~such~~ the patient into custody and
27 restrain the patient as provided by law and the rules of the
28 ~~administrator department~~, without liability on the part of such
29 superintendent and all other officers of the ~~hospital~~ mental
30 health institute to prosecution of any kind ~~on account thereof~~,
31 but no person shall be detained in the ~~hospital~~ mental health
32 institute who is found by the superintendent to be in good
33 mental health.

34 Sec. 478. Section 226.10, Code 2023, is amended to read as
35 follows:

1 **226.10 Equal treatment.**

2 The patients of the state mental health institutes,
3 according to their different conditions of mind and body, and
4 their respective needs, shall be provided for and treated
5 with equal care. If in addition to mental illness a patient
6 has a co-occurring intellectual disability, brain injury, or
7 substance ~~abuse~~ use disorder, the care provided shall also
8 address the co-occurring needs.

9 Sec. 479. Section 226.11, Code 2023, is amended to read as
10 follows:

11 **226.11 Special care permitted.**

12 Patients may have such special care as ~~may be~~ agreed upon
13 with the superintendent, if the friends or relatives of the
14 patient will pay the expense ~~thereof~~ of the special care.

15 Charges for such special care and attendance shall be paid
16 quarterly in advance.

17 Sec. 480. Section 226.12, Code 2023, is amended to read as
18 follows:

19 **226.12 Monthly reports.**

20 The ~~administrator~~ director shall assure that the
21 superintendent of each institute provides monthly reports
22 concerning the programmatic, environmental, and fiscal
23 condition of the mental health institute. The ~~administrator~~
24 director or the ~~administrator's~~ director's designee shall
25 periodically visit each institute to validate the information.

26 Sec. 481. Section 226.13, Code 2023, is amended to read as
27 follows:

28 **226.13 Patients allowed to write.**

29 The name and address of the ~~administrator~~ director shall
30 be ~~kept~~ posted in every ward in each ~~hospital~~ mental health
31 institute. Every patient shall be allowed to write once a week
32 what the patient pleases to ~~said administrator~~ the director
33 and to any other person. The superintendent may send letters
34 addressed to other parties to the ~~administrator~~ director for
35 inspection before forwarding them to the individual addressed.

1 Sec. 482. Section 226.14, Code 2023, is amended to read as
2 follows:

3 **226.14 Writing material.**

4 Every patient shall be furnished by the superintendent or
5 party having charge of ~~such person~~ the patient, at least once
6 in each week, with suitable materials for writing, enclosing,
7 sealing, and mailing letters, if the patient requests and uses
8 the ~~same~~ materials.

9 Sec. 483. Section 226.15, Code 2023, is amended to read as
10 follows:

11 **226.15 Letters to ~~administrator~~ director.**

12 The superintendent or other officer in charge of a patient
13 shall, without reading the ~~same~~ letters, receive all letters
14 addressed to the ~~administrator~~ director, if so requested, and
15 shall properly mail the ~~same~~ letters, and deliver to such
16 patient all letters or other writings addressed to the patient.
17 Letters written to the ~~person so confined~~ patient may be
18 examined by the superintendent, and if, in the superintendent's
19 opinion, the delivery of such letters would be injurious to the
20 ~~person so confined~~ patient, the superintendent shall return the
21 letters to the writer with the superintendent's reasons for not
22 delivering ~~them~~ the letters.

23 Sec. 484. Section 226.16, Code 2023, is amended to read as
24 follows:

25 **226.16 Unauthorized departure and retaking.**

26 ~~It shall be the duty of the~~ The superintendent and of all
27 other officers and employees of any ~~of said hospitals~~ mental
28 health institute, in case of the unauthorized departure of
29 any involuntarily hospitalized patient, ~~to~~ shall exercise
30 all due diligence to take into protective custody and return
31 ~~said~~ the patient to the ~~hospital~~ mental health institute.
32 A notification by the superintendent of such unauthorized
33 departure to any peace officer of the state or to any private
34 person shall be sufficient authority to such officer or person
35 to take and return ~~such~~ the patient to the ~~hospital~~ mental

1 health institute.

2 Sec. 485. Section 226.17, Code 2023, is amended to read as
3 follows:

4 **226.17 Expense attending retaking.**

5 All actual and necessary expenses incurred in the taking
6 into protective custody, restraint, and return to the ~~hospital~~
7 mental health institute of the patient shall be paid on
8 itemized vouchers, sworn to by the claimants and approved by
9 the ~~business manager and the administrator~~ director or the
10 director's designee, from any moneys in the state treasury not
11 otherwise appropriated.

12 Sec. 486. Section 226.18, Code 2023, is amended to read as
13 follows:

14 **226.18 Investigation as to mental health.**

15 The ~~administrator~~ director may investigate the mental
16 condition of any patient and shall discharge any person, if, in
17 the ~~administrator's~~ director's opinion, ~~such~~ the person is not
18 mentally ill, or can be cared for after ~~such~~ discharge without
19 danger to others, and with benefit to the patient; ~~but in.~~ In
20 determining whether ~~such~~ the patient shall be discharged, the
21 recommendation of the superintendent shall be secured. If the
22 ~~administrator~~ director orders the discharge of an involuntarily
23 hospitalized patient, the discharge shall be by the procedure
24 prescribed in section 229.16. The power to investigate the
25 mental condition of a patient is merely permissive, and does
26 not repeal or alter any statute respecting the discharge or
27 commitment of patients of the ~~state hospitals~~ mental health
28 institutes.

29 Sec. 487. Section 226.22, Code 2023, is amended to read as
30 follows:

31 **226.22 Clothing furnished.**

32 Upon ~~such~~ discharge, the ~~business manager~~ department shall
33 furnish ~~such~~ the person discharged, unless otherwise supplied,
34 with suitable clothing and a sum of money not exceeding twenty
35 dollars, which shall be charged with the other expenses of ~~such~~

1 the patient in the ~~hospital~~ mental health institute.

2 Sec. 488. Section 226.23, Code 2023, is amended to read as
3 follows:

4 **226.23 Convalescent leave of patients.**

5 Upon the recommendation of the superintendent and in
6 accordance with section 229.15, subsection 5, in the case of
7 an involuntary patient, the ~~administrator~~ director may place
8 the patient on convalescent leave ~~said patient~~ for a period not
9 to exceed one year, under ~~such~~ conditions ~~as are~~ prescribed by
10 ~~said administrator~~ the director.

11 Sec. 489. Section 226.26, Code 2023, is amended to read as
12 follows:

13 **226.26 Dangerous patients.**

14 The ~~administrator~~ director, on the recommendation of the
15 superintendent, and on the application of the relatives or
16 friends of a patient who is not cured and who cannot be safely
17 allowed to go at liberty, may release the patient when fully
18 satisfied that the relatives or friends will provide and
19 maintain all necessary supervision, care, and restraint over
20 the patient. If the patient being released was involuntarily
21 hospitalized, the consent of the district court which ordered
22 the patient's hospitalization placement shall be obtained in
23 advance in substantially the manner prescribed by section
24 229.14.

25 Sec. 490. Section 226.27, Code 2023, is amended to read as
26 follows:

27 **226.27 Patient accused or acquitted of crime or awaiting**
28 **judgment.**

29 If a patient was committed to a ~~state-hospital~~ mental health
30 institute for evaluation or treatment under chapter 812 or the
31 rules of criminal procedure, further proceedings shall be had
32 under chapter 812 or the applicable rule when the evaluation
33 has been completed or the patient has regained mental capacity,
34 as the case may be.

35 Sec. 491. Section 226.30, Code 2023, is amended to read as

1 follows:

2 **226.30 Transfer of dangerous patients.**

3 When a patient of any ~~hospital for persons with mental~~
4 ~~illness~~ health institute becomes incorrigible and unmanageable
5 to such an extent that the patient is dangerous to the safety
6 of others in the ~~hospital~~ institute, the ~~administrator~~
7 director, with the consent of the director of the Iowa
8 department of corrections, may apply in writing to the district
9 court or to any judge ~~thereof~~ of the district court, of
10 the county in which the ~~hospital~~ institute is situated, for
11 an order to transfer the patient to the Iowa medical and
12 classification center and if the order is granted the patient
13 shall be ~~so~~ transferred. The county attorney of the county
14 shall appear in support of the application on behalf of the
15 ~~administrator~~ director.

16 Sec. 492. Section 226.32, Code 2023, is amended to read as
17 follows:

18 **226.32 Overcrowded conditions.**

19 The ~~administrator~~ director shall order the discharge or
20 removal from the ~~hospital~~ mental health institute of incurable
21 and harmless patients whenever it is necessary to make room
22 for recent cases. If a patient who is to be ~~so~~ discharged
23 entered the ~~hospital~~ mental health institute voluntarily, the
24 ~~administrator~~ director shall notify the regional administrator
25 for the county interested at least ten days in advance of the
26 day of actual discharge.

27 Sec. 493. Section 226.33, Code 2023, is amended to read as
28 follows:

29 **226.33 Notice to court.**

30 When a patient who was hospitalized involuntarily and who
31 has not fully recovered is discharged from the ~~hospital~~ mental
32 health institute by the ~~administrator~~ director under section
33 226.32, notice of the order shall at once be sent to the court
34 which ordered the patient's hospitalization, in the manner
35 prescribed by section 229.14.

1 Sec. 494. Section 226.40, Code 2023, is amended to read as
2 follows:

3 **226.40 Emergency patients.**

4 In case of emergency disaster, with the infliction of
5 numerous casualties among the civilian population, the mental
6 health institutes ~~are authorized to~~ may accept sick and wounded
7 persons without commitment or any other formalities.

8 Sec. 495. Section 226.41, Code 2023, is amended to read as
9 follows:

10 **226.41 Charge permitted.**

11 The ~~hospital is authorized to make a~~ mental health institute
12 may charge for patients admitted under section 226.40, in the
13 manner provided by law and subject to the changes provided in
14 section 226.42.

15 Sec. 496. Section 226.42, Code 2023, is amended to read as
16 follows:

17 **226.42 Emergency powers of superintendents.**

18 In case the mental health institutes lose contact with
19 the ~~statehouse~~ seat of government, due to enemy action or
20 otherwise, the superintendents of the institutes ~~are hereby~~
21 ~~delegated the following powers and duties~~ may do any of the
22 following:

23 1. ~~May collect~~ Collect moneys due the state treasury from
24 the counties and from responsible persons or other relatives,
25 these funds to be collected monthly, instead of quarterly, and
26 to be deposited for use in operating the institutes.

27 2. ~~The superintendent shall have the power to requisition~~
28 Requisition supplies, such as food, fuel, drugs and medical
29 equipment, from any source available, in the name of the state,
30 ~~with the power to~~ and enter into contracts binding the state
31 for payment at an indefinite future time.

32 3. ~~The superintendent shall be authorized to employ~~ Employ
33 personnel in all categories and for whatever remuneration the
34 superintendent deems necessary, without regard to existing
35 laws, rules, or regulations, in order to permit the institute

1 to continue its ~~old~~ existing functions, ~~as well as~~ and meet its
2 additional responsibilities.

3 Sec. 497. Section 226.43, Code 2023, is amended to read as
4 follows:

5 **226.43 Fund created.**

6 There is ~~hereby~~ established at each ~~hospital~~ mental health
7 institute a fund known as the "patients' personal deposit
8 fund".

9 Sec. 498. Section 226.44, Code 2023, is amended to read as
10 follows:

11 **226.44 Deposits.**

12 Any funds, including social security benefits, coming into
13 the possession of the superintendent or any employee of the
14 ~~hospital~~ mental health institute belonging to any patient in
15 that ~~hospital~~ mental health institute, shall be deposited in
16 the name of that patient in the patients' personal deposit
17 fund, except that if a guardian of the property of that patient
18 has been appointed, the guardian shall have the right to demand
19 and receive such funds. Funds belonging to a patient deposited
20 in the patients' personal deposit fund may be used for the
21 purchase of personal incidentals, desires and comforts for the
22 patient.

23 Sec. 499. Section 226.45, Code 2023, is amended to read as
24 follows:

25 **226.45 Reimbursement to county or state.**

26 If a patient is not receiving medical assistance under
27 chapter 249A and the amount in the account of any patient
28 in the patients' personal deposit fund exceeds two hundred
29 dollars, the ~~business manager of the hospital~~ mental health
30 institute may apply any of the excess to reimburse the county
31 of residence or the state when the patient is a resident in
32 another state or in a foreign country, or when the patient's
33 residence is unknown, for liability incurred by the county or
34 the state for the payment of care, support, and maintenance of
35 the patient, when billed by the county of residence or by the

1 ~~administrator when the patient is a resident in another state~~
 2 ~~or in a foreign country, or when the patient's residence is~~
 3 ~~unknown~~ department.

4 Sec. 500. Section 226.46, Code 2023, is amended to read as
 5 follows:

6 **226.46 Deposit of fund.**

7 The ~~business manager~~ department shall deposit the patients'
 8 personal deposit fund in a commercial account of a bank of
 9 reputable standing. When deposits in the commercial account
 10 exceed average monthly withdrawals, the ~~business manager~~
 11 department may deposit the excess at interest. The savings
 12 account shall be in the name of the patients' personal deposit
 13 fund and interest paid ~~thereon~~ on the account may be used for
 14 recreational purposes at the ~~hospital~~ mental health institute.

15 Sec. 501. Section 227.1, Code 2023, is amended to read as
 16 follows:

17 **227.1 Definitions — supervision.**

18 1. For the purposes of this chapter, unless the context
 19 otherwise requires:

20 *a.* ~~"Administrator" means the person assigned by the director~~
 21 ~~of human services in the appropriate division of the department~~
 22 ~~to administer mental health and disability services.~~ "County
 23 care facility" means a county care facility operated under
 24 chapter 347B.

25 *b.* "Department" means the department of health and human
 26 services.

27 *c.* "Director" means the director of health and human
 28 services.

29 *d.* "Facility" includes a county care facility and a private
 30 or county facility, including a hospital, for persons with
 31 mental illness or an intellectual disability.

32 ~~e.~~ *e.* "Mental health and disability services region" means
 33 a mental health and disability services region formed in
 34 accordance with section 331.389.

35 *f.* "Patient" means a person receiving care in a facility or

1 a state mental health institute.

2 ~~d. g.~~ *"Regional administrator"* means the ~~regional~~
3 ~~administrator of a mental health and disability services~~
4 ~~region,~~ same as defined in section 331.388.

5 *h. "Resident"* means a person cared for in a county care
6 facility.

7 2. The regulatory requirements for county and private
8 ~~institutions~~ facilities where persons with mental illness or
9 an intellectual disability are admitted, committed, or placed
10 shall be administered by the ~~administrator~~ department.

11 Sec. 502. Section 227.2, Code 2023, is amended to read as
12 follows:

13 **227.2 Inspection.**

14 1. The director of inspections, and appeals, and licensing
15 shall make, or cause to be made, at least one licensure
16 inspection each year of every county care facility. Either
17 the ~~administrator of the division~~ director or the director of
18 the department of inspections, and appeals, and licensing, in
19 cooperation with each other, upon receipt of a complaint or for
20 good cause, may make, or cause to be made, a review of a county
21 care facility or of any other private or county ~~institution~~
22 facility where persons with mental illness or an intellectual
23 disability are admitted or reside. A licensure inspection
24 or a review shall be made by a competent and disinterested
25 person who is acquainted with and interested in the care of
26 persons with mental illness and persons with an intellectual
27 disability. The objective of a licensure inspection or a
28 review shall be an evaluation of the programming and treatment
29 provided by the facility. After each licensure inspection of
30 a county care facility, the person who made the inspection
31 shall consult with the regional administrator for the county
32 in which the facility is located on plans and practices that
33 will improve the care given ~~patients~~ residents. The person
34 shall also make recommendations to the ~~administrator of the~~
35 ~~division and the director of public health~~ for coordinating

1 and improving the relationships between the administrators of
2 county care facilities, ~~the administrator of the division,~~
3 ~~the director of public health,~~ the superintendents of state
4 mental health institutes and resource centers, community
5 mental health centers, mental health and disability services
6 regions, and other cooperating agencies, to cause improved
7 and more satisfactory care of patients. A written report of
8 each licensure inspection of a county care facility under this
9 section shall be filed by the person with the ~~administrator of~~
10 ~~the division and the director of public health~~ department and
11 shall include:

12 *a.* The capacity of the ~~institution~~ facility for the care of
13 residents.

14 *b.* The number, sex, ages, and primary diagnoses of the
15 residents.

16 *c.* The care of residents, their food, clothing, treatment
17 plan, employment, and opportunity for recreational activities
18 and for productive work intended primarily as therapeutic
19 activity.

20 *d.* The number, job classification, sex, duties, and salaries
21 of all employees.

22 *e.* The cost to the state or county of maintaining residents
23 in a county care facility.

24 *f.* The recommendations given to and received from the
25 regional administrator on methods and practices that will
26 improve the conditions under which the county care facility is
27 operated.

28 *g.* Any failure to comply with standards adopted under
29 section 227.4 for care of persons with mental illness and
30 persons with an intellectual disability in county care
31 facilities, which is not covered in information submitted
32 pursuant to paragraphs "a" through "f", and any other matters
33 which the ~~director of public health, in consultation with the~~
34 ~~administrator of the division,~~ may require.

35 2. A copy of the written report prescribed by subsection 1

1 shall be furnished to the county board of supervisors, to the
2 regional administrator for the county, to the administrator
3 of the county care facility inspected and to its certified
4 volunteer long-term care ombudsman, and to the department ~~on~~
5 aging.

6 3. The department of inspections, ~~and appeals, and~~
7 licensing shall inform the ~~administrator of the division~~
8 department of an action by the department of inspections,
9 appeals, and licensing to suspend, revoke, or deny renewal of a
10 license issued by the department of inspections, ~~and appeals,~~
11 and licensing to a county care facility, and the reasons for
12 the action.

13 4. In addition to the licensure inspections required or
14 authorized by this section, the ~~administrator of the division~~
15 department shall cause to be made an evaluation of each person
16 cared for in a county care facility at least once each year by
17 one or more qualified mental health, intellectual disability,
18 or medical professionals, whichever is appropriate.

19 a. It is the responsibility of the state to secure the
20 annual evaluation for each person who is on convalescent leave
21 or who has not been discharged from a state mental health
22 institute. It is the responsibility of the county to secure
23 the annual evaluation for all other persons with mental illness
24 in the county care facility.

25 b. It is the responsibility of the state to secure the
26 annual evaluation for each person who is on leave and has
27 not been discharged from a state resource center. It is the
28 responsibility of the county to secure the annual evaluation
29 for all other persons with an intellectual disability in the
30 county care facility.

31 c. It is the responsibility of the county to secure an
32 annual evaluation of each resident of a county care facility to
33 whom neither paragraph "a" nor paragraph "b" is applicable.

34 5. The evaluations required by subsection 4 shall include
35 an examination of each person which shall reveal the person's

1 condition of mental and physical health and the likelihood
2 of improvement or discharge and other recommendations
3 concerning the care of those persons as the evaluator deems
4 pertinent. One copy of the evaluation shall be filed with the
5 ~~administrator of the division~~ department and one copy shall be
6 filed with the administrator of the county care facility.

7 Sec. 503. Section 227.3, Code 2023, is amended to read as
8 follows:

9 **227.3 ~~Residents to have hearing~~ Resident and patient input.**

10 The inspector conducting any licensure inspection or review
11 under section 227.2 shall give each resident or patient an
12 opportunity to converse with the inspector out of the hearing
13 of any officer or employee of the ~~institution~~ facility, and
14 shall fully investigate all complaints and report the result in
15 writing to the ~~administrator of the division~~ department. The
16 ~~administrator~~ department before acting on the report adversely
17 to the ~~institution~~ facility, shall give the persons in charge a
18 copy of the report and an opportunity to be heard.

19 Sec. 504. Section 227.4, Code 2023, is amended to read as
20 follows:

21 **227.4 Standards for care of persons with mental illness or an**
22 **intellectual disability in county care facilities.**

23 The ~~administrator~~ department, in cooperation with the
24 department of inspections and appeals, shall recommend
25 and the mental health and disability services commission
26 created in section 225C.5 shall adopt, or amend and adopt,
27 standards for the care of and services to persons with
28 mental illness or an intellectual disability residing in
29 county care facilities. The standards shall be enforced by
30 the department of inspections and appeals as a part of the
31 licensure inspection conducted pursuant to chapter 135C. The
32 objective of the standards is to ensure that persons with
33 mental illness or an intellectual disability who are residents
34 of county care facilities are not only adequately fed, clothed,
35 and housed, but are also offered reasonable opportunities for

1 productive work and recreational activities suited to their
2 physical and mental abilities and offering both a constructive
3 outlet for their energies and, if possible, therapeutic
4 benefit. When recommending standards under this section, the
5 administrator department shall designate an advisory committee
6 representing administrators of county care facilities, regional
7 administrators, mental health and disability services region
8 governing boards, and county care facility certified volunteer
9 long-term care ombudsmen to assist in the establishment of
10 standards.

11 Sec. 505. Section 227.6, Code 2023, is amended to read as
12 follows:

13 **227.6 Removal of residents or patients.**

14 If a county care facility fails to comply with rules and
15 standards adopted under this chapter, the administrator
16 department may remove all persons with mental illness and
17 all persons with an intellectual disability cared for in
18 the county care facility at public expense, to the proper
19 state mental health institute or resource center, or to
20 some private or county ~~institution or hospital~~ facility for
21 the care of persons with mental illness or an intellectual
22 disability that has complied with the rules prescribed by
23 the administrator department. Residents being transferred
24 to a state mental health institute or resource center shall
25 be accompanied by an attendant or attendants sent from the
26 institute or resource center. If a resident is transferred
27 under this section, at least one attendant shall be of the
28 same sex. If the administrator department finds that the
29 needs of ~~residents~~ patients with mental illness and ~~residents~~
30 patients with an intellectual disability of any other county
31 or private ~~institution~~ facility are not being adequately met,
32 those ~~residents~~ patients may be removed from that ~~institution~~
33 facility upon order of the administrator department.

34 Sec. 506. Section 227.7, Code 2023, is amended to read as
35 follows:

1 **227.7 Cost — collection from county.**

2 The cost of such removal, including all expenses of ~~said~~
 3 the attendant, shall be certified by the superintendent of the
 4 ~~hospital~~ facility receiving the patient, to the director of
 5 the department of administrative services, who shall draw a
 6 warrant upon the treasurer of state for ~~said sum~~ the amount,
 7 which shall be credited to the support fund of ~~said hospital~~
 8 the facility and charged against the general revenues of the
 9 state and collected by the director of the department of
 10 administrative services from the county which sent ~~said the~~
 11 patient to ~~said institution~~ the facility.

12 Sec. 507. Section 227.8, Code 2023, is amended to read as
 13 follows:

14 **227.8 Notification to guardians.**

15 The ~~administrator~~ department shall notify the guardian,
 16 or one or more of the relatives, of patients kept at private
 17 expense, of all violations of ~~said the~~ rules by said the
 18 private or county ~~institutions~~ facilities, and of the action of
 19 the ~~administrator~~ department as to all other patients.

20 Sec. 508. Section 227.9, Code 2023, is amended to read as
 21 follows:

22 **227.9 Investigating mental health.**

23 ~~Should~~ When the ~~administrator believe~~ department determines
 24 that any person in any such county or private ~~institution~~
 25 facility is in good mental health, or illegally restrained
 26 of liberty, the ~~administrator~~ department shall institute and
 27 prosecute proceedings in the name of the state, before the
 28 proper officer, board, or court, for the discharge of ~~such the~~
 29 person.

30 Sec. 509. Section 227.10, Code 2023, is amended to read as
 31 follows:

32 **227.10 Transfers from county or private ~~institutions~~**
 33 **facilities.**

34 Patients who have been admitted at public expense to any
 35 ~~institution~~ facility to which this chapter is applicable may

1 be involuntarily transferred to the proper state ~~hospital for~~
 2 ~~persons with mental illness~~ health institute in the manner
 3 prescribed by sections 229.6 through 229.13. The application
 4 required by section 229.6 may be filed by the ~~administrator~~
 5 ~~of the division director~~ or the ~~administrator's~~ director's
 6 designee, or by the administrator of the ~~institution~~ facility
 7 where the patient is then being maintained or treated.
 8 If the patient was admitted to that ~~institution~~ facility
 9 involuntarily, the ~~administrator of the division~~ department
 10 may arrange and complete the transfer, and shall report it
 11 as required of a chief medical officer under section 229.15,
 12 subsection 5. The transfer shall be made at the mental health
 13 and disability services region's expense, and the expense
 14 recovered, as provided in section 227.7. However, transfer
 15 under this section of a patient whose expenses are payable
 16 in whole or in part by the mental health and disability
 17 services region is subject to an authorization for the transfer
 18 through the regional administrator for the patient's county of
 19 residence.

20 Sec. 510. Section 227.11, Code 2023, is amended to read as
 21 follows:

22 **227.11 Transfers from state ~~hospitals~~ mental health**
 23 **institutes.**

24 A regional administrator for the county chargeable with
 25 the expense of a patient in a state ~~hospital for persons with~~
 26 ~~mental illness~~ health institute shall transfer the patient
 27 to a county or private ~~institution~~ facility for persons with
 28 mental illness that is in compliance with the applicable
 29 rules when the ~~administrator of the division~~ director or the
 30 ~~administrator's~~ director's designee orders the transfer on a
 31 finding that the patient is suffering from a serious mental
 32 illness and will receive equal benefit by being so transferred.
 33 A mental health and disability services region shall transfer
 34 to a county care facility any patient in a state ~~hospital for~~
 35 ~~persons with mental illness~~ health institute upon request

1 of the superintendent of the state ~~hospital~~ mental health
 2 institute in which the patient is confined pursuant to the
 3 superintendent's authority under section 229.15, subsection 5,
 4 and approval by the regional administrator for the county of
 5 the patient's residence. In no case shall a patient be ~~thus~~
 6 transferred except upon compliance with section 229.14A or
 7 without the written consent of a relative, friend, or guardian
 8 if such relative, friend, or guardian pays the expense of
 9 the care of such patient in a state ~~hospital~~ mental health
 10 institute. Patients transferred to a public or private
 11 facility under this section may subsequently be placed on
 12 convalescent or limited leave or transferred to a different
 13 facility for continued full-time custody, care, and treatment
 14 when, in the opinion of the attending physician or the chief
 15 medical officer of the ~~hospital~~ facility from which the patient
 16 was ~~so~~ transferred, the best interest of the patient would be
 17 served by ~~such~~ the leave or transfer. For any patient who is
 18 involuntarily committed, any transfer made under this section
 19 is subject to the placement hearing requirements of section
 20 229.14A.

21 Sec. 511. Section 227.12, Code 2023, is amended to read as
 22 follows:

23 **227.12 Difference of opinion.**

24 When a difference of opinion exists between the
 25 ~~administrator of the division~~ director and the authorities in
 26 charge of any private or county ~~hospital~~ facility in regard to
 27 the transfer of a patient as provided in sections 227.10 and
 28 227.11, the matter shall be submitted to the district court
 29 of the county in which ~~such hospital~~ the facility is situated
 30 and shall be summarily tried as an equitable action, and the
 31 judgment of the district court shall be final.

32 Sec. 512. Section 227.13, Code 2023, is amended to read as
 33 follows:

34 **227.13 Discharge of transferred patient.**

35 Patients transferred from a state ~~hospital~~ mental health

1 institute to such county or private institutions facilities
2 shall not be discharged, when not cured, without the consent of
3 the ~~administrator of the division~~ director.

4 Sec. 513. Section 227.14, Code 2023, is amended to read as
5 follows:

6 **227.14 Caring for persons with mental illness from other**
7 **counties.**

8 The regional administrator for a county that does not have
9 proper facilities for caring for persons with mental illness
10 may, with the consent of the ~~administrator of the division~~
11 department, provide for such care at the expense of the mental
12 health and disability services region in any convenient and
13 proper county or private ~~institution~~ facility for persons with
14 mental illness which is willing to receive the persons.

15 Sec. 514. Section 227.15, Code 2023, is amended to read as
16 follows:

17 **227.15 Authority to involuntarily confine in ~~hospital~~.**

18 ~~No~~ A person shall not be involuntarily confined and
19 restrained in any private ~~institution or hospital~~ or county
20 ~~hospital~~ facility or other general hospital with a psychiatric
21 ward for the care or treatment of persons with mental illness,
22 except by the procedure prescribed in sections 229.6 through
23 229.15.

24 Sec. 515. Section 229.1, Code 2023, is amended to read as
25 follows:

26 **229.1 Definitions.**

27 As used in this chapter, unless the context clearly requires
28 otherwise:

29 ~~1. "Administrator" means the administrator of the department~~
30 ~~of human services assigned, in accordance with section~~
31 ~~218.1, to control the state mental health institutes, or that~~
32 ~~administrator's designee.~~

33 ~~2.~~ 1. "Advocate" means a mental health advocate.

34 ~~3.~~ 2. "Auditor" means the county auditor or the auditor's
35 designee.

1 ~~4.~~ 3. "*Chemotherapy*" means treatment of an individual by
 2 use of a drug or substance which cannot legally be delivered
 3 or administered to the ultimate user without a physician's
 4 prescription or medical order.

5 ~~5.~~ 4. "*Chief medical officer*" means the medical director in
 6 charge of a public or private hospital, or that individual's
 7 physician-designee. This chapter does not negate the authority
 8 otherwise reposed by law in the respective superintendents
 9 of each of the state ~~hospitals for persons with mental~~
 10 ~~illness~~ health institutes, established by chapter 226, to
 11 make decisions regarding the appropriateness of admissions or
 12 discharges of patients of that ~~hospital~~, state mental health
 13 institute; however, it is the intent of this chapter that if
 14 the superintendent is not a licensed physician the decisions by
 15 the superintendent shall be corroborated by the chief medical
 16 officer of the ~~hospital~~ mental health institute.

17 ~~6.~~ 5. "*Clerk*" means the clerk of the district court.

18 6. "*Department*" means the department of health and human
 19 services.

20 7. "*Director*" means the director of health and human
 21 services.

22 ~~7.~~ 8. "*Hospital*" means either a public hospital or a
 23 private hospital.

24 ~~8.~~ 9. "*Licensed physician*" means an individual licensed
 25 under the provisions of chapter 148 to practice medicine and
 26 surgery or osteopathic medicine and surgery.

27 ~~9.~~ 10. "*Magistrate*" means the same as defined in section
 28 801.4, ~~subsection 10~~.

29 ~~10.~~ 11. "*Mental health and disability services region*"
 30 means a mental health and disability services region formed in
 31 accordance with section 331.389.

32 ~~11.~~ 12. "*Mental health professional*" means the same as
 33 defined in section 228.1.

34 ~~12.~~ 13. "*Mental illness*" means every type of mental
 35 disease or mental disorder, except that it does not refer to

1 an intellectual disability as defined in section 4.1, or to
2 insanity, diminished responsibility, or mental incompetency as
3 the terms are defined and used in the Iowa criminal code or in
4 the rules of criminal procedure, Iowa court rules.

5 ~~13.~~ 14. "*Patient*" means a person who has been hospitalized
6 or ordered hospitalized to receive treatment pursuant to
7 section 229.14.

8 ~~14.~~ 15. "*Private hospital*" means any hospital or
9 ~~institution~~ facility not directly supported by public funds, or
10 a part thereof of such hospital or facility, which is equipped
11 and staffed to provide inpatient care to persons with mental
12 illness.

13 ~~15.~~ 16. "*Psychiatric advanced registered nurse practitioner*"
14 means an individual currently licensed as a registered nurse
15 under chapter 152 or 152E who holds a national certification in
16 psychiatric mental health care and who is licensed by the board
17 of nursing as an advanced registered nurse practitioner.

18 ~~16.~~ 17. "*Public hospital*" means any of the following:

19 a. A state mental health institute established by chapter
20 226; ~~or.~~

21 b. The state psychiatric hospital established by chapter
22 225; ~~or.~~

23 c. Any other publicly supported hospital or ~~institution~~
24 facility, or part of such hospital or ~~institution~~ facility,
25 which is equipped and staffed to provide inpatient care to
26 persons with mental illness, except the Iowa medical and
27 classification center established by chapter 904.

28 ~~17.~~ 18. "*Region*" means a mental health and disability
29 services region formed in accordance with section 331.389.

30 ~~18.~~ 19. "*Regional administrator*" means the ~~regional~~
31 ~~administrator of a mental health and disability services~~
32 ~~region~~, same as defined in section 331.388.

33 ~~19.~~ 20. "*Respondent*" means any person against whom an
34 application has been filed under section 229.6, but who has not
35 been finally ordered committed for full-time custody, care, and

1 treatment in a hospital.

2 ~~20.~~ 21. "*Serious emotional injury*" is an injury which does
3 not necessarily exhibit any physical characteristics, but which
4 can be recognized and diagnosed by a licensed physician or
5 other mental health professional and which can be causally
6 connected with the act or omission of a person who is, or is
7 alleged to be, mentally ill.

8 ~~21.~~ 22. "*Seriously mentally impaired*" or "*serious mental*
9 *impairment*" describes the condition of a person with mental
10 illness and because of that illness lacks sufficient judgment
11 to make responsible decisions with respect to the person's
12 hospitalization or treatment, and who because of that illness
13 meets any of the following criteria:

14 a. Is likely to physically injure the person's self or
15 others if allowed to remain at liberty without treatment.

16 b. Is likely to inflict serious emotional injury on
17 members of the person's family or others who lack reasonable
18 opportunity to avoid contact with the person with mental
19 illness if the person with mental illness is allowed to remain
20 at liberty without treatment.

21 c. Is unable to satisfy the person's needs for nourishment,
22 clothing, essential medical care, or shelter so that it is
23 likely that the person will suffer physical injury, physical
24 debilitation, or death.

25 d. Has a history of lack of compliance with treatment and
26 any of the following ~~apply~~ applies:

27 (1) Lack of compliance has been a significant factor in the
28 need for emergency hospitalization.

29 (2) Lack of compliance has resulted in one or more acts
30 causing serious physical injury to the person's self or others
31 or an attempt to physically injure the person's self or others.

32 Sec. 516. Section 229.2, subsection 1, paragraph b,
33 subparagraphs (1) and (2), Code 2023, are amended to read as
34 follows:

35 (1) Upon receipt of an application for voluntary admission

1 of a minor, the chief medical officer shall provide separate
2 prescreening interviews and consultations with the parent,
3 guardian, or custodian and the minor to assess the family
4 environment and the appropriateness of the application for
5 admission.

6 (2) During the interview and consultation the chief medical
7 officer shall inform the minor orally and in writing that the
8 minor has a right to object to the admission. If the chief
9 medical officer of the hospital to which application is made
10 determines that the admission is appropriate but the minor
11 objects to the admission, the parent, guardian, or custodian
12 must petition the juvenile court for approval of the admission
13 before the minor is actually admitted.

14 Sec. 517. Section 229.4, Code 2023, is amended to read as
15 follows:

16 **229.4 Right to release on application.**

17 A voluntary patient who requests release or whose release
18 is requested, in writing, by the patient's legal guardian,
19 parent, spouse, or adult next of kin shall be released from the
20 hospital ~~forthwith, except that~~ in accordance with all of the
21 following, as applicable:

22 1. If the patient was admitted on the patient's own
23 application and the request for release is made by some other
24 person, release may be conditioned upon the agreement of the
25 patient.

26 2. If the patient is a minor who was admitted on the
27 application of the patient's parent, guardian, or custodian
28 pursuant to section 229.2, subsection 1, the patient's release
29 prior to becoming eighteen years of age may be conditioned upon
30 the consent of the parent, guardian, or custodian, or upon the
31 approval of the juvenile court if the admission was approved by
32 the juvenile court; ~~and.~~

33 3. If the chief medical officer of the hospital, not later
34 than the end of the next secular day on which the office of
35 the clerk of the district court for the county in which the

1 hospital is located is open and which follows the submission
2 of the written request for release of the patient, files with
3 that clerk a certification that in the chief medical officer's
4 opinion the patient is seriously mentally impaired, the release
5 may be postponed for the period of time the court determines
6 is necessary to permit commencement of judicial procedure
7 for involuntary hospitalization. That period of time may
8 not exceed five days, exclusive of days on which the clerk's
9 office is not open unless the period of time is extended by
10 order of a district court judge for good cause shown. Until
11 disposition of the application for involuntary hospitalization
12 of the patient is determined, if ~~one~~ an application is timely
13 filed, the chief medical officer may detain the patient in
14 the hospital and may provide treatment which is necessary
15 to preserve the patient's life, or to appropriately control
16 behavior by the patient which is likely to result in physical
17 injury to the patient or to others if allowed to continue, but
18 may not otherwise provide treatment to the patient without the
19 patient's consent.

20 Sec. 518. Section 229.6, subsection 1, Code 2023, is amended
21 to read as follows:

22 1. Proceedings for the involuntary hospitalization of an
23 individual pursuant to this chapter or for the involuntary
24 commitment or treatment of a person with a ~~substance-related~~
25 substance use disorder to a facility pursuant to chapter
26 125 may be commenced by any interested person by filing a
27 verified application with the clerk of the district court of
28 the county where the respondent is presently located, or which
29 is the respondent's place of residence. The clerk, or the
30 clerk's designee, shall assist the applicant in completing the
31 application.

32 Sec. 519. Section 229.6, subsection 2, paragraph a,
33 subparagraph (1), Code 2023, is amended to read as follows:

34 (1) A ~~substance-related~~ substance use disorder as defined
35 in section 125.2.

1 Sec. 520. Section 229.8, Code 2023, is amended to read as
2 follows:

3 **229.8 Procedure after application is filed.**

4 As soon as practicable after the filing of an application
5 pursuant to section 229.6, the court shall do all of the
6 following:

7 1. Determine whether the respondent has an attorney
8 who is able and willing to represent the respondent in the
9 hospitalization proceeding, and if not, whether the respondent
10 is financially able to employ an attorney and capable of
11 meaningfully assisting in selecting one. In accordance with
12 those determinations, the court shall if necessary allow the
13 respondent to select, or shall assign to the respondent, an
14 attorney. If the respondent is financially unable to pay an
15 attorney, the attorney shall be compensated by the mental
16 health and disability services region at an hourly rate to be
17 established by the regional administrator for the county in
18 which the proceeding is held in substantially the same manner
19 as provided in section 815.7.

20 2. Cause copies of the application and supporting
21 documentation to be sent to the county attorney or the county
22 attorney's attorney-designate for review.

23 3. Issue a written order which shall provide for all of the
24 following:

25 a. If not previously done, set a time and place for a
26 hospitalization hearing, which shall be at the earliest
27 practicable time not less than forty-eight hours after notice
28 to the respondent, unless the respondent waives such minimum
29 prior notice requirement, ~~and~~.

30 b. Order an examination of the respondent, prior to
31 the hearing, by one or more licensed physicians or mental
32 health professionals who shall submit a written report on the
33 examination to the court as required by section 229.10.

34 Sec. 521. Section 229.11, subsection 1, Code 2023, is
35 amended to read as follows:

1 1. If the applicant requests that the respondent be taken
2 into immediate custody and the judge, upon reviewing the
3 application and accompanying documentation, finds probable
4 cause to believe that the respondent has a serious mental
5 impairment and is likely to injure the respondent or other
6 persons if allowed to remain at liberty, the judge may enter
7 a written order directing that the respondent be taken into
8 immediate custody by the sheriff or the sheriff's deputy
9 and be detained until the hospitalization hearing. The
10 hospitalization hearing shall be held no more than five days
11 after the date of the order, except that if the fifth day after
12 the date of the order is a Saturday, Sunday, or a holiday, the
13 hearing may be held on the next succeeding business day. If
14 the expenses of a respondent are payable in whole or in part by
15 a mental health and disability services region, for a placement
16 in accordance with paragraph "a", the judge shall give notice of
17 the placement to the regional administrator for the county in
18 which the court is located, and for a placement in accordance
19 with paragraph "b" or "c", the judge shall order the placement
20 in a hospital or facility designated through the regional
21 administrator. The judge may order the respondent detained for
22 the period of time until the hearing is held, and no longer,
23 in accordance with paragraph "a", if possible, and if not then
24 in accordance with paragraph "b", or, only if neither of these
25 alternatives is available, in accordance with paragraph "c".
26 Detention may be in any of the following:

27 a. In the custody of a relative, friend, or other suitable
28 person who is willing to accept responsibility for supervision
29 of the respondent, and the respondent may be placed under
30 such reasonable restrictions as the judge may order including
31 but not limited to restrictions on or a prohibition of any
32 expenditure, encumbrance, or disposition of the respondent's
33 funds or property; ~~or.~~

34 b. In a suitable hospital the chief medical officer of
35 which shall be informed of the reasons why immediate custody

1 has been ordered and may provide treatment which is necessary
2 to preserve the respondent's life, or to appropriately control
3 behavior by the respondent which is likely to result in
4 physical injury to the respondent or to others if allowed
5 to continue, but may not otherwise provide treatment to the
6 respondent without the respondent's consent;~~or.~~

7 c. In the nearest facility in the community which is
8 licensed to care for persons with mental illness or substance
9 ~~abuse~~ use disorder, provided that detention in a jail or other
10 facility intended for confinement of those accused or convicted
11 of crime shall not be ordered.

12 Sec. 522. Section 229.13, subsection 1, paragraph b, Code
13 2023, is amended to read as follows:

14 b. The court shall order any other respondent placed under
15 the care of an appropriate hospital or facility licensed to
16 care for persons with mental illness or substance ~~abuse~~ use
17 disorder on an inpatient or outpatient basis.

18 Sec. 523. Section 229.15, subsections 4 and 5, Code 2023,
19 are amended to read as follows:

20 4. When a patient has been placed in an alternative facility
21 other than a hospital pursuant to a report issued under section
22 229.14, subsection 1, paragraph "d", a report on the patient's
23 condition and prognosis shall be made to the court which placed
24 the patient, at least once every six months, unless the court
25 authorizes annual reports. If an evaluation of the patient is
26 performed pursuant to section 227.2, subsection 4, a copy of
27 the evaluation report shall be submitted to the court within
28 fifteen days of the evaluation's completion. The court may
29 in its discretion waive the requirement of an additional
30 report between the annual evaluations. If the ~~administrator~~
31 department exercises the authority to remove residents or
32 patients from a county care facility or other county or private
33 institution facility under section 227.6, the ~~administrator~~
34 department shall promptly notify each court which placed in
35 that facility any resident ~~so~~ or patient removed.

1 5. *a.* When in the opinion of the chief medical officer the
2 best interest of a patient would be served by a convalescent
3 or limited leave, the chief medical officer may authorize the
4 leave and, if authorized, shall promptly report the leave to
5 the court. When in the opinion of the chief medical officer
6 the best interest of a patient would be served by a transfer
7 to a different hospital for continued full-time custody, care,
8 and treatment, the chief medical officer shall promptly send
9 a report to the court. The court shall act upon the report in
10 accordance with section 229.14A.

11 *b.* This subsection shall not be construed to add to or
12 restrict the authority otherwise provided by law for transfer
13 of patients or residents among various state institutions
14 administered by the department ~~of human services~~. If a patient
15 is transferred under this subsection, the treatment provider to
16 whom the patient is transferred shall be provided with copies
17 of relevant court orders by the former treatment provider.

18 Sec. 524. Section 229.19, subsection 1, paragraphs a and e,
19 Code 2023, are amended to read as follows:

20 *a.* In each county the board of supervisors shall appoint
21 an individual who has demonstrated by prior activities an
22 informed concern for the welfare and rehabilitation of persons
23 with mental illness, and who is not an officer or employee
24 of the department ~~of human services~~, an officer or employee
25 of a region, an officer or employee of a county performing
26 duties for a region, or an officer or employee of any agency
27 or facility providing care or treatment to persons with mental
28 illness, to act as an advocate representing the interests of
29 patients involuntarily hospitalized by the court, in any matter
30 relating to the patients' hospitalization or treatment under
31 section 229.14 or 229.15.

32 *e.* An advocate may also be assigned pursuant to this section
33 for an individual who has been diagnosed with a co-occurring
34 mental illness and ~~substance-related~~ substance use disorder.

35 Sec. 525. Section 229.21, Code 2023, is amended to read as

1 follows:

2 **229.21 Judicial hospitalization referee — appeals to**
 3 **district court.**

4 1. The chief judge of each judicial district may appoint
 5 at least one judicial hospitalization referee for each county
 6 within the district. The judicial hospitalization referee
 7 shall be an attorney, licensed to practice law in this state,
 8 who shall be chosen with consideration to any training,
 9 experience, interest, or combination of those factors, which
 10 are pertinent to the duties of the office. The referee
 11 shall hold office at the pleasure of the chief judge of the
 12 judicial district and receive compensation at a rate fixed by
 13 the supreme court. If the referee expects to be absent for
 14 any significant length of time, the referee shall inform the
 15 chief judge who may appoint a temporary substitute judicial
 16 hospitalization referee having the qualifications set forth in
 17 this subsection.

18 2. When an application for involuntary hospitalization
 19 under section 229.6 or for involuntary commitment or treatment
 20 of persons with ~~substance-related disorders~~ a substance
 21 use disorder under section 125.75 is filed with the clerk
 22 of the district court in any county for which a judicial
 23 hospitalization referee has been appointed, and no district
 24 judge, district associate judge, or magistrate who is admitted
 25 to the practice of law in this state is accessible, the clerk
 26 shall immediately notify the referee in the manner required by
 27 section 229.7 or section 125.77. The referee shall discharge
 28 all of the duties imposed upon the court by sections 229.7
 29 through 229.19, this section, and section 229.22 or sections
 30 125.75 through 125.94 in the proceeding so initiated. Subject
 31 to the provisions of subsection 4, orders issued by a referee,
 32 in discharge of duties imposed under this section, shall have
 33 the same force and effect as if ordered by a district judge.
 34 However, any commitment to a facility regulated and operated
 35 under chapter 135C shall be in accordance with section 135C.23.

1 3. *a.* Any respondent with respect to whom the magistrate
2 or judicial hospitalization referee has found the contention
3 that the respondent is seriously mentally impaired or a person
4 with a ~~substance-related~~ substance use disorder sustained by
5 clear and convincing evidence presented at a hearing held
6 under section 229.12 or section 125.82, may appeal from the
7 magistrate's or referee's finding to a judge of the district
8 court by giving the clerk notice in writing, within ten days
9 after the magistrate's or referee's finding is made, that an
10 appeal is taken. The appeal may be signed by the respondent or
11 by the respondent's next friend, guardian, or attorney.

12 *b.* An order of a magistrate or judicial hospitalization
13 referee with a finding that the respondent is seriously
14 mentally impaired or a person with a ~~substance-related~~
15 substance use disorder shall include the following notice,
16 located conspicuously on the face of the order:

17 NOTE: The respondent may appeal from this order to a judge of
18 the district court by giving written notice of the appeal to
19 the clerk of the district court within ten days after the date
20 of this order. The appeal may be signed by the respondent or
21 by the respondent's next friend, guardian, or attorney. For a
22 more complete description of the respondent's appeal rights,
23 consult section 229.21 of the Code of Iowa or an attorney.

24 *c.* When appealed, the matter shall stand for trial de novo.
25 Upon appeal, the court shall schedule a hospitalization or
26 commitment hearing before a district judge at the earliest
27 practicable time.

28 *d.* Any respondent with respect to whom the magistrate or
29 judicial hospitalization referee has held a placement hearing
30 and has entered a placement order may appeal the order to a
31 judge of the district court. The request for appeal must be
32 given to the clerk in writing within ten days of the entry of
33 the magistrate's or referee's order. The request for appeal
34 shall be signed by the respondent, or the respondent's next
35 friend, guardian, or attorney.

1 4. If the appellant is in custody under the jurisdiction
2 of the district court at the time of service of the notice of
3 appeal, the appellant shall be discharged from custody unless
4 an order that the appellant be taken into immediate custody has
5 previously been issued under section 229.11 or section 125.81,
6 in which case the appellant shall be detained as provided in
7 that section until the hospitalization or commitment hearing
8 before the district judge. If the appellant is in the custody
9 of a hospital or facility at the time of service of the notice
10 of appeal, the appellant shall be discharged from custody
11 pending disposition of the appeal unless the chief medical
12 officer, not later than the end of the next secular day on
13 which the office of the clerk is open and which follows service
14 of the notice of appeal, files with the clerk a certification
15 that in the chief medical officer's opinion the appellant is
16 seriously mentally ill or a person with a ~~substance-related~~
17 substance use disorder. In that case, the appellant shall
18 remain in custody of the hospital or facility until the
19 hospitalization or commitment hearing before the district
20 court.

21 5. The hospitalization or commitment hearing before the
22 district judge shall be held, and the judge's finding shall
23 be made and an appropriate order entered, as prescribed by
24 sections 229.12 and 229.13 or sections 125.82 and 125.83.
25 If the judge orders the appellant hospitalized or committed
26 for a complete psychiatric or substance ~~abuse~~ use disorder
27 evaluation, jurisdiction of the matter shall revert to the
28 judicial hospitalization referee.

29 Sec. 526. Section 229.23, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. In addition to protection of the person's constitutional
32 rights, enjoyment of other legal, medical, religious, social,
33 political, personal and working rights and privileges which
34 the person would enjoy if the person were not so hospitalized
35 or detained, so far as is possible consistent with effective

1 treatment of that person and of the other patients of the
 2 hospital. If the patient's rights are restricted, the
 3 physician's or mental health professional's direction to
 4 that effect shall be noted on the patient's record. The
 5 department ~~of human services~~ shall, in accordance with chapter
 6 17A establish rules setting forth the specific rights and
 7 privileges to which persons ~~so~~ hospitalized or detained are
 8 entitled under this section, and the exceptions provided by
 9 section 17A.2, subsection 11, paragraphs "a" and "k", shall not
 10 be applicable to the rules ~~so~~ established. The patient or the
 11 patient's next of kin or friend shall be advised of these rules
 12 and be provided a written copy upon the patient's admission to
 13 or arrival at the hospital.

14 Sec. 527. Section 229.24, subsection 1, Code 2023, is
 15 amended to read as follows:

16 1. All papers and records pertaining to any involuntary
 17 hospitalization or application pursuant to section 229.6 of any
 18 person under this chapter, whether part of the permanent record
 19 of the court or of a file in the department ~~of human services~~,
 20 are subject to inspection only upon an order of the court for
 21 good cause shown.

22 Sec. 528. Section 229.26, Code 2023, is amended to read as
 23 follows:

24 **229.26 Exclusive procedure for involuntary hospitalization.**

25 Sections 229.6 through 229.19 constitute the exclusive
 26 procedure for involuntary hospitalization of persons by reason
 27 of serious mental impairment in this state, except that this
 28 chapter does not negate the provisions of section 904.503
 29 relating to transfer of prisoners with mental illness to state
 30 ~~hospitals for persons with mental illness~~ health institutes and
 31 does not apply to commitments of persons under chapter 812 or
 32 the rules of criminal procedure, Iowa court rules, or negate
 33 the provisions of section 232.51 relating to disposition of
 34 children with mental illness.

35 Sec. 529. Section 229.27, subsection 3, Code 2023, is

1 amended to read as follows:

2 3. A hearing limited to the question of the person's
3 competence and conducted in substantially the manner prescribed
4 in sections 633.552, 633.556, 633.558, and 633.560 shall be
5 held when any of the following circumstances applies:

6 a. The court is petitioned or proposes upon its own motion
7 to find incompetent by reason of mental illness a person whose
8 involuntary hospitalization has been ordered under section
9 229.13 or 229.14, and who contends that the person is not
10 incompetent; ~~or.~~

11 b. A person previously found incompetent by reason of mental
12 illness under subsection 2 petitions the court for a finding
13 that the person is no longer incompetent and, after notice to
14 the applicant who initiated the petition for hospitalization
15 of the person and to any other party as directed by the court,
16 an objection is filed with the court. The court may order a
17 hearing on its own motion before acting on a petition filed
18 under this paragraph. A petition by a person for a finding
19 that the person is no longer incompetent may be filed at any
20 time without regard to whether the person is at that time
21 hospitalized for treatment of mental illness.

22 Sec. 530. Section 229.41, Code 2023, is amended to read as
23 follows:

24 **229.41 Voluntary admission — state mental health institute.**

25 Persons making application pursuant to section 229.2 on
26 their own behalf or on behalf of another person who is under
27 eighteen years of age, if the person whose admission is sought
28 is received for observation and treatment on the application,
29 shall be required to pay the costs of hospitalization at rates
30 established by the ~~administrator~~ department. The costs may
31 be collected weekly in advance and shall be payable ~~at to~~ to the
32 ~~business office of the hospital~~ state mental health institute.
33 The collections shall be remitted to the department ~~of human~~
34 ~~services~~ monthly to be credited to the general fund of the
35 state.

1 Sec. 531. Section 229.42, Code 2023, is amended to read as
2 follows:

3 **229.42 Costs paid by county — state mental health institute.**

4 1. If a person wishing to make application for voluntary
5 admission to a state mental hospital ~~established by chapter 226~~
6 health institute is unable to pay the costs of hospitalization
7 or those responsible for the person are unable to pay the
8 costs, application for authorization of voluntary admission
9 must be made through a regional administrator before
10 application for admission is made to the ~~hospital~~ state mental
11 health institute. The person's county of residence shall
12 be determined through the regional administrator and if the
13 admission is approved through the regional administrator, the
14 person's admission to a state mental health hospital institute
15 shall be authorized as a voluntary case. The authorization
16 shall be issued on forms provided by the department ~~of human~~
17 ~~services' administrator~~. The costs of the hospitalization
18 shall be paid by the county of residence through the regional
19 administrator to the department ~~of human services~~ and credited
20 to the general fund of the state, provided that the state
21 mental health hospital institute rendering the services has
22 certified to the county auditor of the county of residence and
23 the regional administrator the amount chargeable to the mental
24 health and disability services region and has sent a duplicate
25 statement of the charges to the department ~~of human services~~.
26 A mental health and disability services region shall not be
27 billed for the cost of a patient unless the patient's admission
28 is authorized through the regional administrator. The state
29 mental health institute and the regional administrator shall
30 work together to locate appropriate alternative placements
31 and services, and to educate patients and family members of
32 patients regarding such alternatives.

33 2. All the provisions of chapter 230 shall apply to ~~such~~ the
34 voluntary patients so far as is to the extent applicable.

35 3. The provisions of this section and of section 229.41

1 shall apply to all voluntary inpatients or outpatients
 2 receiving mental health services either away from or at the
 3 ~~institution~~ state mental health institute.

4 4. If a county fails to pay the billed charges within
 5 forty-five days from the date the county auditor received the
 6 certification statement from the superintendent, the department
 7 ~~of human services~~ shall charge the delinquent county the
 8 penalty of one percent per month on and after forty-five days
 9 from the date the county received the certification statement
 10 until paid. The penalties received shall be credited to the
 11 general fund of the state.

12 Sec. 532. Section 229.43, Code 2023, is amended to read as
 13 follows:

14 **229.43 Nonresident patients — state mental health**
 15 **institutes.**

16 The ~~administrator~~ department may place patients of state
 17 mental health institutes who are nonresidents on convalescent
 18 leave to a private sponsor or in a health care facility
 19 licensed under chapter 135C, when in the opinion of the
 20 ~~administrator~~ director the placement is in the best interests
 21 of the patient and the state of Iowa. If the patient was
 22 involuntarily hospitalized, the district court which ordered
 23 hospitalization of the patient ~~must~~ shall be informed when the
 24 patient is placed on convalescent leave, as required by section
 25 229.15, subsection 5.

26 Sec. 533. Section 229.45, unnumbered paragraph 1, Code
 27 2023, is amended to read as follows:

28 The department ~~of human services~~, in consultation with
 29 the office of attorney general, shall develop a summary of
 30 the procedures involved in an involuntary commitment and
 31 information concerning the participation of an applicant in the
 32 proceedings. The summary shall be provided by the department,
 33 at the department's expense, to the clerks of the district
 34 court who shall make the summary available to all applicants
 35 prior to the filing of a verified application, or to any other

1 person upon request, and who shall attach a copy of the summary
2 to the notice of hearing which is served upon the respondent
3 under section 125.77 or 229.7. The summary may include, but is
4 not limited to, the following:

5 Sec. 534. Section 229A.2, Code 2023, is amended to read as
6 follows:

7 **229A.2 Definitions.**

8 As used in this chapter:

9 1. *"Agency with jurisdiction"* means an agency which has
10 custody of or releases a person serving a sentence or term
11 of confinement or is otherwise in confinement based upon a
12 lawful order or authority, and includes but is not limited to
13 the department of corrections, the department of health and
14 human services, a judicial district department of correctional
15 services, and the Iowa board of parole.

16 2. *"Appropriate secure facility"* means a state facility that
17 is designed to confine but not necessarily to treat a sexually
18 violent predator.

19 3. *"Convicted"* means found guilty of, pleads guilty
20 to, or is sentenced or adjudicated delinquent for an act
21 which is an indictable offense in this state or in another
22 jurisdiction including in a federal, military, tribal, or
23 foreign court, including but not limited to a juvenile who has
24 been adjudicated delinquent, whether or not the juvenile court
25 records have been sealed under section 232.150, and a person
26 who has received a deferred sentence or a deferred judgment
27 or has been acquitted by reason of insanity. *"Convicted"*
28 includes the conviction of a juvenile prosecuted as an adult.
29 *"Convicted"* also includes a conviction for an attempt or
30 conspiracy to commit an offense. *"Convicted"* does not mean a
31 plea, sentence, adjudication, deferred sentence, or deferred
32 judgment which has been reversed or otherwise set aside.

33 4. *"Department"* means the department of health and human
34 services.

35 5. *"Director"* means the director of health and human

1 services.

2 ~~4.~~ 6. "*Discharge*" means an unconditional discharge from the
3 sexually violent predator program. A person released from a
4 secure facility into a transitional release program or released
5 with supervision is not considered to be discharged.

6 ~~5.~~ 7. "*Likely to engage in predatory acts of sexual*
7 *violence*" means that the person more likely than not will
8 engage in acts of a sexually violent nature. If a person is
9 not confined at the time that a petition is filed, a person is
10 "*likely to engage in predatory acts of sexual violence*" only if
11 the person commits a recent overt act.

12 ~~6.~~ 8. "*Mental abnormality*" means a congenital or acquired
13 condition affecting the emotional or volitional capacity of a
14 person and predisposing that person to commit sexually violent
15 offenses to a degree which would constitute a menace to the
16 health and safety of others.

17 ~~7.~~ 9. "*Predatory*" means acts directed toward a person with
18 whom a relationship has been established or promoted for the
19 primary purpose of victimization.

20 ~~8.~~ 10. "*Presently confined*" means incarceration or
21 detention in a correctional facility, a rehabilitation camp,
22 a residential facility, a county jail, a halfway house, or
23 any other comparable facility, including but not limited to
24 placement at such a facility as a condition of probation,
25 parole, or special sentence following conviction for a sexually
26 violent offense.

27 ~~9.~~ 11. "*Recent overt act*" means any act that has either
28 caused harm of a sexually violent nature or creates a
29 reasonable apprehension of such harm.

30 ~~10.~~ 12. "*Safekeeper*" means a person who is confined in an
31 appropriate secure facility pursuant to this chapter but who is
32 not subject to an order of commitment pursuant to this chapter.

33 ~~11.~~ 13. "*Sexually motivated*" means that one of the
34 purposes for commission of a crime is the purpose of sexual
35 gratification of the perpetrator of the crime.

1 ~~12.~~ 14. *"Sexually violent offense"* means:
2 a. A violation of any provision of chapter 709.
3 b. A violation of any of the following if the offense
4 involves sexual abuse, attempted sexual abuse, or intent to
5 commit sexual abuse:
6 (1) Murder as defined in section 707.1.
7 (2) Kidnapping as defined in section 710.1.
8 (3) Burglary as defined in section 713.1.
9 (4) Child endangerment under section 726.6, subsection 1,
10 paragraph "e".
11 c. Sexual exploitation of a minor in violation of section
12 728.12.
13 d. Pandering involving a minor in violation of section
14 725.3, subsection 2.
15 e. An offense involving an attempt or conspiracy to commit
16 any offense referred to in this subsection.
17 f. An offense under prior law of this state or an offense
18 committed in another jurisdiction which would constitute an
19 equivalent offense under paragraphs "a" through "e".
20 g. Any act which, either at the time of sentencing for the
21 offense or subsequently during civil commitment proceedings
22 pursuant to this chapter, has been determined beyond a
23 reasonable doubt to have been sexually motivated.
24 ~~13.~~ 15. *"Sexually violent predator"* means a person who has
25 been convicted of or charged with a sexually violent offense
26 and who suffers from a mental abnormality which makes the
27 person likely to engage in predatory acts constituting sexually
28 violent offenses, if not confined in a secure facility.
29 ~~14.~~ 16. *"Transitional release"* means a conditional release
30 from a secure facility operated by the department ~~of human~~
31 ~~services~~ with the conditions of such release set by the court
32 or the department ~~of human services~~.
33 Sec. 535. Section 229A.5C, subsections 3 and 4, Code 2023,
34 are amended to read as follows:
35 3. A person who is subject to an order of civil commitment

1 under this chapter shall not be released from jail or paroled
2 or released to a facility or program located outside the
3 county jail or correctional institution other than to a secure
4 facility operated by the department ~~of human services~~.

5 4. A person who committed a public offense while in a
6 transitional release program or on release with supervision may
7 be returned to a secure facility operated by the department ~~of~~
8 ~~human services~~ upon completion of any term of confinement that
9 resulted from the commission of the public offense.

10 Sec. 536. Section 229A.6A, subsection 1, paragraph b, Code
11 2023, is amended to read as follows:

12 b. To a medical facility for medical treatment, if necessary
13 medical treatment is not available at the facility where the
14 person is confined. A transport order is not required to
15 transport the person for medical treatment. However, the
16 person is not entitled to choose the medical facility where
17 treatment is to be obtained or the medical personnel to provide
18 the treatment. Transportation of a committed person shall be
19 provided by the sheriff of the county in which the person is
20 confined if requested by the department ~~of human services~~.

21 Sec. 537. Section 229A.7, subsection 5, paragraph b, Code
22 2023, is amended to read as follows:

23 b. If the court or jury determines that the respondent is a
24 sexually violent predator, the respondent shall be committed
25 to the custody of the director ~~of the department of human~~
26 ~~services~~ for control, care, and treatment until such time as
27 the person's mental abnormality has so changed that the person
28 is safe to be placed in a transitional release program or
29 discharged. The determination may be appealed.

30 Sec. 538. Section 229A.7, subsection 7, Code 2023, is
31 amended to read as follows:

32 7. The control, care, and treatment of a person determined
33 to be a sexually violent predator shall be provided at a
34 facility operated by the department ~~of human services~~. At all
35 times prior to placement in a transitional release program

1 or release with supervision, persons committed for control,
2 care, and treatment by the department ~~of human services~~
3 pursuant to this chapter shall be kept in a secure facility
4 and those patients shall be segregated at all times from any
5 other patient under the supervision of the department ~~of human~~
6 ~~services~~. A person committed pursuant to this chapter to
7 the custody of the department ~~of human services~~ may be kept
8 in a facility or building separate from any other patient
9 under the supervision of the department ~~of human services~~.
10 The department ~~of human services~~ may enter into a chapter
11 28E agreement with the department of corrections or other
12 appropriate agency in this state or another state for the
13 confinement of patients who have been determined to be sexually
14 violent predators. Patients who are in the custody of the
15 director of the department of corrections pursuant to a chapter
16 28E agreement and who have not been placed in a transitional
17 release program or released with supervision shall be housed
18 and managed separately from criminal offenders in the custody
19 of the director of the department of corrections, and except
20 for occasional instances of supervised incidental contact,
21 shall be segregated from those offenders.

22 Sec. 539. Section 229A.8, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. Nothing contained in this chapter shall prohibit the
25 person from otherwise petitioning the court for discharge or
26 placement in a transitional release program at the annual
27 review. The ~~director of human services~~ department shall
28 provide the committed person with an annual written notice
29 of the person's right to petition the court for discharge
30 or placement in a transitional release program without
31 authorization from the director. The notice shall contain a
32 waiver of rights. The ~~director~~ department shall forward the
33 notice and waiver form to the court with the annual report.

34 Sec. 540. Section 229A.8, subsection 5, paragraphs f and g,
35 Code 2023, are amended to read as follows:

1 *f.* If at the time for the annual review the committed
2 person has filed a petition for discharge or placement in
3 a transitional release program with authorization from the
4 director ~~of human services~~, the court shall set a final hearing
5 within ninety days of the authorization by the director, and
6 no annual review shall be held.

7 *g.* If the committed person has not filed a petition, or
8 has filed a petition for discharge or for placement in a
9 transitional release program without authorization from the
10 director ~~of human services~~, the court shall first conduct the
11 annual review as provided in this subsection.

12 Sec. 541. Section 229A.8, subsection 6, paragraph e, Code
13 2023, is amended to read as follows:

14 *e.* If the director ~~of human services~~ has authorized the
15 committed person to petition for discharge or for placement
16 in a transitional release program and the case is before a
17 jury, testimony by a victim of a prior sexually violent offense
18 committed by the person is not admissible. If the director has
19 not authorized the petition or the case is before the court,
20 testimony by a victim of a sexually violent offense committed
21 by the person may be admitted.

22 Sec. 542. Section 229A.8A, subsections 1, 6, and 7, Code
23 2023, are amended to read as follows:

24 1. The department ~~of human services is authorized to~~ may
25 establish a transitional release program and provide control,
26 care, and treatment, and supervision of committed persons
27 placed in such a program.

28 6. The department ~~of human services~~ shall be responsible
29 for establishing and implementing the rules and directives
30 regarding the location of the transitional release program,
31 staffing needs, restrictions on confinement and the movement of
32 committed persons, and for assessing the progress of committed
33 persons in the program. The court may also impose conditions
34 on a committed person placed in the program.

35 7. The department ~~of human services~~ may contract with

1 other government or private agencies, including the department
2 of corrections, to implement and administer the transitional
3 release program.

4 Sec. 543. Section 229A.8B, subsections 2 and 3, Code 2023,
5 are amended to read as follows:

6 2. If a committed person absconds from a transitional
7 release program in violation of the rules or directives, a
8 presumption arises that the person poses a risk to public
9 safety. The department ~~of human services~~, in cooperation with
10 local law enforcement agencies, may make a public announcement
11 about the absconder. The public announcement may include
12 a description of the committed person, that the person is
13 in transitional release from the sexually violent predator
14 program, and any other information important to public safety.

15 3. Upon the return of the committed person to a secure
16 facility, the director ~~of human services~~ or the director's
17 designee shall notify the court that issued the ex parte order
18 that the absconder has been returned to a secure facility,
19 and the court shall set a hearing to determine if a violation
20 occurred. If a court order was not issued, the director or
21 the director's designee shall contact the nearest district
22 court with jurisdiction to set a hearing to determine whether a
23 violation of the rules or directives occurred. The court shall
24 schedule a hearing after receiving notice that the committed
25 person has been returned from the transitional release program
26 to a secure facility.

27 Sec. 544. Section 229A.9A, subsections 2, 3, and 8, Code
28 2023, are amended to read as follows:

29 2. If release with supervision is ordered, the department
30 ~~of human services~~ shall prepare within sixty days of the order
31 of the court a release plan addressing the person's needs for
32 counseling, medication, community support services, residential
33 services, vocational services, ~~alcohol or other drug abuse~~
34 substance use disorder treatment, sex offender treatment, or
35 any other treatment or supervision necessary.

1 3. The court shall set a hearing on the release plan
2 prepared by the department ~~of human services~~ before the
3 committed person is released from a secure facility or a
4 transitional release program.

5 8. The court shall retain jurisdiction over the committed
6 person who has been released with supervision until the person
7 is discharged from the program. The department ~~of human~~
8 ~~services~~ or a judicial district department of correctional
9 services shall not be held liable for any acts committed
10 by a committed person who has been ordered released with
11 supervision.

12 Sec. 545. Section 229A.9B, subsections 2, 3, and 5, Code
13 2023, are amended to read as follows:

14 2. If a committed person has absconded in violation of the
15 conditions of the person's release plan, a presumption arises
16 that the person poses a risk to public safety. The department
17 ~~of human services~~ or contracting agency, in cooperation with
18 local law enforcement agencies, may make a public announcement
19 about the absconder. The public announcement may include a
20 description of the committed person, that the committed person
21 is on release with supervision from the sexually violent
22 predator program, and any other information pertinent to public
23 safety.

24 3. Upon the return of the committed person to a secure
25 facility, the director ~~of human services~~ or the director's
26 designee shall notify the court that issued the ex parte
27 order that the committed person has been returned to a secure
28 facility, and the court shall set hearing to determine if a
29 violation occurred. If a court order was not issued, the
30 director or the director's designee shall contact the nearest
31 district court with jurisdiction to set a hearing to determine
32 whether a violation of the conditions of the release plan
33 occurred. The court shall schedule a hearing after receiving
34 notice that the committed person has been returned to a secure
35 facility.

1 5. If the court determines a violation occurred, the court
2 shall receive release recommendations from the department of
3 ~~human services~~ and either order that the committed person
4 be returned to release with supervision or placed in a
5 transitional release program, or be confined in a secure
6 facility. The court may impose further conditions upon the
7 committed person if returned to release with supervision or
8 placed in the transitional release program. If the court
9 determines no violation occurred, the committed person shall be
10 returned to release with supervision.

11 Sec. 546. Section 229A.10, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. If the director of ~~human services~~ determines that the
14 person's mental abnormality has so changed that the person is
15 not likely to engage in predatory acts that constitute sexually
16 violent offenses if discharged, the director shall authorize
17 the person to petition the court for discharge. The petition
18 shall be served upon the court and the attorney general. The
19 court, upon receipt of the petition for discharge, shall order
20 a hearing within thirty days. The attorney general shall
21 represent the state, and shall have the right to have the
22 petitioner examined by an expert or professional person of
23 the attorney general's choice. The hearing shall be before
24 a jury if demanded by either the petitioner or the attorney
25 general. If the attorney general objects to the petition for
26 discharge, the burden of proof shall be upon the attorney
27 general to show beyond a reasonable doubt that the petitioner's
28 mental abnormality or personality disorder remains such that
29 the petitioner is likely to engage in predatory acts that
30 constitute sexually violent offenses if discharged.

31 Sec. 547. Section 229A.11, Code 2023, is amended to read as
32 follows:

33 **229A.11 Subsequent discharge or transitional release**
34 **petitions — limitations.**

35 Nothing in this chapter shall prohibit a person from filing

1 a petition for discharge or placement in a transitional release
2 program, pursuant to this chapter. However, if a person has
3 previously filed a petition for discharge or for placement
4 in a transitional release program without the authorization
5 of the director ~~of human services~~, and the court determines
6 either upon review of the petition or following a hearing that
7 the petition was frivolous or that the petitioner's condition
8 had not so changed that the person was not likely to engage
9 in predatory acts constituting sexually violent offenses
10 if discharged, or was not suitable for placement in the
11 transitional release program, then the court shall summarily
12 deny the subsequent petition unless the petition contains facts
13 upon which a court could find the condition of the petitioner
14 had so changed that a hearing was warranted. Upon receipt of a
15 first or subsequent petition from a committed person without
16 the director's authorization, the court shall endeavor whenever
17 possible to review the petition and determine if the petition
18 is based upon frivolous grounds. If the court determines that
19 a petition is frivolous, the court shall dismiss the petition
20 without a hearing.

21 Sec. 548. Section 229A.12, Code 2023, is amended to read as
22 follows:

23 **229A.12 Director ~~of human services~~ — responsibility for**
24 **costs — reimbursement.**

25 The director ~~of human services~~ shall be responsible for
26 all costs relating to the evaluation, treatment, and services
27 provided to a person that are incurred after the person is
28 committed to the director's custody after the court or jury
29 determines that the respondent is a sexually violent predator
30 and pursuant to commitment under any provision of this chapter.
31 If placement in a transitional release program or supervision
32 is ordered, the director shall also be responsible for all
33 costs related to the transitional release program or to the
34 supervision and treatment of any person. Reimbursement may
35 be obtained by the director from the patient and any person

1 legally liable or bound by contract for the support of the
 2 patient for the cost of confinement or of care and treatment
 3 provided. To the extent allowed by the United States social
 4 security administration, any benefit payments received by the
 5 person pursuant to the federal Social Security Act shall be
 6 used for the costs incurred. As used in this section, "*any*
 7 *person legally liable*" does not include a political subdivision.

8 Sec. 549. Section 229A.15B, Code 2023, is amended to read
 9 as follows:

10 **229A.15B Rulemaking authority.**

11 The department ~~of human services~~ shall adopt rules pursuant
 12 to chapter 17A necessary to administer this chapter.

13 Sec. 550. Section 230.1, Code 2023, is amended to read as
 14 follows:

15 **230.1 Definitions.**

16 As used in this chapter, unless the context otherwise
 17 requires:

18 ~~1. "Administrator" means the administrator of the department~~
 19 ~~of human services assigned, in accordance with section~~
 20 ~~218.1, to control the state mental health institutes, or that~~
 21 ~~administrator's designee.~~

22 ~~2.~~ 1. "Book", "list", "record", or "schedule" kept by a
 23 county auditor, assessor, treasurer, recorder, sheriff, or
 24 other county officer means the county system as defined in
 25 section 445.1.

26 ~~3.~~ 2. "Department" means the department of health and human
 27 services.

28 3. "Director" means the director of health and human
 29 services.

30 4. "Region" means a mental health and disability services
 31 region formed in accordance with section 331.389.

32 5. "Regional administrator" means the same as defined in
 33 section 331.388.

34 6. "State mental health institute" or "mental health
 35 institute" means a mental health institute designated in section

1 226.1.

2 Sec. 551. Section 230.1A, Code 2023, is amended to read as
3 follows:

4 **230.1A Liability of county and state.**

5 1. The necessary and legal costs and expenses ~~attending~~
6 for the taking into custody, care, investigation, admission,
7 commitment, and support of a person with mental illness
8 admitted or committed to a state ~~hospital~~ mental health
9 institute shall be paid by the regional administrator on behalf
10 of the person's county of residence or by the state as follows:

11 a. If the person is eighteen years of age or older, as
12 follows:

13 (1) The costs attributed to mental illness shall be paid by
14 the regional administrator on behalf of the person's county of
15 residence.

16 (2) The costs attributed to a ~~substance-related~~ substance
17 use disorder shall be paid by the person's county of residence.

18 (3) The costs attributable to a dual diagnosis of mental
19 illness and a ~~substance-related~~ substance use disorder may be
20 ~~split~~ divided as provided in section 226.9C.

21 b. By the state if such person has no residence in this
22 state, if the person's residence is unknown, or if the person
23 is under eighteen years of age.

24 2. The county of residence of any person with mental
25 illness who is a patient of any state ~~institution~~ mental health
26 institute shall be the person's county of residence existing at
27 the time of admission to the ~~institution~~ institute.

28 3. A region or county of residence is not liable for
29 costs and expenses associated with a person with mental
30 illness unless the costs and expenses are for services and
31 other support authorized for the person through the regional
32 administrator for the county.

33 Sec. 552. Section 230.5, Code 2023, is amended to read as
34 follows:

35 **230.5 Nonresidents.**

1 If a person's residence is determined in accordance with
 2 section 230.2 or 230.3 to be in a foreign state or country,
 3 or is unknown, the court or the regional administrator of the
 4 person's county of residence shall immediately certify the
 5 determination to the ~~department's administrator~~ department.
 6 The certification shall be accompanied by a copy of the
 7 evidence supporting the determination. A court order issued
 8 pursuant to section 229.13 shall direct that the patient be
 9 hospitalized at the appropriate state ~~hospital for persons with~~
 10 mental illness health institute.

11 Sec. 553. Section 230.6, Code 2023, is amended to read as
 12 follows:

13 **230.6 Investigation by ~~administrator~~ department.**

14 The ~~administrator~~ department shall immediately investigate
 15 the residency of a patient and proceed as follows:

16 1. If the ~~administrator~~ department concurs with a certified
 17 determination of residency concerning the patient, the
 18 ~~administrator~~ department shall cause the patient either to
 19 be transferred to a state ~~hospital for persons with~~ mental
 20 illness health institute at the expense of the state, or to be
 21 transferred, with approval of the court as required by chapter
 22 229, to the place of foreign residence.

23 2. If the ~~administrator~~ department disputes a certified
 24 legal residency determination, the ~~administrator~~ department
 25 shall order the patient to be maintained at a state ~~hospital~~
 26 ~~for persons with~~ mental illness health institute at the expense
 27 of the state until the dispute is resolved.

28 3. If the ~~administrator~~ department disputes a residency
 29 determination, the ~~administrator~~ department shall utilize the
 30 procedure provided in section 331.394 to resolve the dispute.
 31 A determination of the person's residency status made pursuant
 32 to section 331.394 is conclusive.

33 Sec. 554. Section 230.7, Code 2023, is amended to read as
 34 follows:

35 **230.7 Transfer of nonresidents.**

1 Upon determining that a patient in a state ~~hospital~~ mental
 2 health institute who has been involuntarily hospitalized under
 3 chapter 229 or admitted voluntarily at public expense was
 4 not a resident of this state at the time of the involuntary
 5 hospitalization or admission, the ~~administrator~~ director or
 6 director's designee may cause ~~that~~ the patient to be conveyed
 7 to the patient's place of residence. However, a transfer
 8 under this section may be made only if the patient's condition
 9 ~~so~~ permits and other reasons do not render the transfer
 10 inadvisable. If the patient was involuntarily hospitalized,
 11 prior approval of the transfer ~~must~~ shall be obtained from the
 12 court which ordered the patient hospitalized.

13 Sec. 555. Section 230.8, Code 2023, is amended to read as
 14 follows:

15 **230.8 Transfers of persons with mental illness — expenses.**

16 The transfer to any state ~~hospitals~~ mental health institute
 17 or to the places of their residence of persons with mental
 18 illness who have no residence in this state or whose residence
 19 is unknown, shall be made according to the directions of the
 20 ~~administrator~~ department, and when practicable by employees
 21 of the state ~~hospitals~~ mental health institutes. The actual
 22 and necessary expenses of such transfers shall be paid by the
 23 department on itemized vouchers sworn to by the claimants and
 24 approved by the ~~administrator~~ director.

25 Sec. 556. Section 230.9, Code 2023, is amended to read as
 26 follows:

27 **230.9 Subsequent discovery of residence.**

28 If, after a person has been received by a state ~~hospital~~ for
 29 ~~persons with mental illness~~ health institute whose residence is
 30 supposed to be outside this state, the ~~administrator~~ department
 31 determines that the residence of the person was, at the time
 32 of admission or commitment, in a county of this state, the
 33 ~~administrator~~ department shall certify the determination
 34 and charge all legal costs and expenses pertaining to the
 35 admission or commitment and support of the person to the

1 regional administrator of the person's county of residence.
 2 The certification shall be sent to the regional administrator
 3 of the person's county of residence. The certification
 4 shall be accompanied by a copy of the evidence supporting the
 5 determination. The costs and expenses shall be collected as
 6 provided by law in other cases. If the person's residency
 7 status has been determined in accordance with section 331.394,
 8 the legal costs and expenses shall be charged in accordance
 9 with that determination.

10 Sec. 557. Section 230.10, Code 2023, is amended to read as
 11 follows:

12 **230.10 Payment of costs.**

13 All legal costs and expenses attending for the taking into
 14 custody, care, investigation, and admission or commitment of
 15 a person to a state ~~hospital for persons with mental illness~~
 16 health institute under a finding that the person has residency
 17 in another county of this state shall be charged against the
 18 regional administrator of the person's county of residence.

19 Sec. 558. Section 230.11, Code 2023, is amended to read as
 20 follows:

21 **230.11 Recovery of costs from state.**

22 Costs and expenses attending for the taking into custody,
 23 care, and investigation of a person who has been admitted
 24 or committed to a state ~~hospital~~ mental health institute,
 25 United States department of veterans affairs hospital, or
 26 other agency of the United States government, for persons with
 27 mental illness and who has no residence in this state or whose
 28 residence is unknown, including cost of commitment, if any,
 29 shall be paid as approved by the ~~administrator~~ department. The
 30 amount of the costs and expenses approved by the ~~administrator~~
 31 department is appropriated to the department from any moneys in
 32 the state treasury not otherwise appropriated. Payment shall
 33 be made by the department on itemized vouchers executed by the
 34 regional administrator of the person's county which has paid
 35 them, and approved by the ~~administrator~~ department.

1 Sec. 559. Section 230.12, Code 2023, is amended to read as
2 follows:

3 **230.12 Residency disputes.**

4 If a dispute arises between different counties or between
5 the ~~administrator~~ department and a regional administrator for a
6 county as to the residence of a person admitted or committed
7 to a state ~~hospital for persons with mental illness~~ health
8 institute, the dispute shall be resolved as provided in section
9 331.394.

10 Sec. 560. Section 230.15, Code 2023, is amended to read as
11 follows:

12 **230.15 Personal liability.**

13 1. A person with mental illness and a person legally liable
14 for the person's support remain liable for the support of
15 the person with mental illness as provided in this section.
16 Persons legally liable for the support of a person with mental
17 illness include the spouse of the person, and any person
18 bound by contract for support of the person. The regional
19 administrator of the person's county of residence, subject to
20 the direction of the region's governing board, shall enforce
21 the obligation created in this section as to all sums advanced
22 by the regional administrator. The liability to the regional
23 administrator incurred by a person with mental illness or a
24 person legally liable for the person's support under this
25 section is limited to an amount equal to one hundred percent
26 of the cost of care and treatment of the person with mental
27 illness at a state mental health institute for one hundred
28 twenty days of hospitalization. This limit of liability may
29 be reached by payment of the cost of care and treatment of the
30 person with mental illness subsequent to a single admission
31 or multiple admissions to a state mental health institute
32 or, if the person is not discharged as cured, subsequent to
33 a single transfer or multiple transfers to a county care
34 facility pursuant to section 227.11. After reaching this
35 limit of liability, a person with mental illness or a person

1 legally liable for the person's support is liable to the
2 regional administrator for the care and treatment of the person
3 with mental illness at a state mental health institute or,
4 if transferred but not discharged as cured, at a county care
5 facility in an amount not in excess of the average minimum
6 cost of the maintenance of an individual who is physically and
7 mentally healthy residing in the individual's own home, which
8 standard shall be established and may ~~from time to time~~ be
9 revised by the department ~~of human services~~. A lien imposed
10 by section 230.25 shall not exceed the amount of the liability
11 which may be incurred under this section on account of a person
12 with mental illness.

13 2. A person with a ~~substance-related~~ substance use
14 disorder is legally liable for the total amount of the cost of
15 providing care, maintenance, and treatment for the person with
16 a ~~substance-related~~ substance use disorder while a voluntary
17 or committed patient. When a portion of the cost is paid
18 by a county, the person with a ~~substance-related~~ substance
19 use disorder is legally liable to the county for the amount
20 paid. The person with a ~~substance-related~~ substance use
21 disorder shall assign any claim for reimbursement under any
22 contract of indemnity, by insurance or otherwise, providing
23 for the person's care, maintenance, and treatment in a state
24 ~~hospital~~ mental health institute to the state. Any payments
25 received by the state from or on behalf of a person with a
26 ~~substance-related~~ substance use disorder shall be in part
27 credited to the county in proportion to the share of the costs
28 paid by the county.

29 3. Nothing in this section shall be construed to prevent
30 a relative or other person from voluntarily paying the full
31 actual cost or any portion of the care and treatment of any
32 person with mental illness or a ~~substance-related~~ substance use
33 disorder as established by the department ~~of human services~~.

34 Sec. 561. Section 230.18, Code 2023, is amended to read as
35 follows:

1 **230.18 Expense in county or private ~~hospitals~~ facility.**

2 The estates of persons with mental illness who may be
3 treated or confined in any county ~~hospital or home~~, or in any
4 private ~~hospital or sanatorium~~ facility, and the estates of
5 persons legally bound for their support, shall be liable to the
6 regional administrator of the person's county of residence for
7 the reasonable cost of such support.

8 Sec. 562. Section 230.19, Code 2023, is amended to read as
9 follows:

10 **230.19 Nonresidents liable to state — presumption.**

11 The estates of all nonresident patients provided for and
12 treated in state ~~hospitals for persons with mental illness~~
13 health institutes in this state, and all persons legally bound
14 for the support of such patients, shall be liable to the
15 state for the reasonable value of the care, maintenance, and
16 treatment of such patients while in such ~~hospitals~~ institutes.
17 The certificate of the superintendent of the state ~~hospital~~
18 mental health institute in which any nonresident is or has been
19 a patient, showing the amounts drawn from the state treasury or
20 due ~~therefrom~~ as provided by law on account of such nonresident
21 patient, shall be presumptive evidence of the reasonable value
22 of the care, maintenance, and treatment furnished such patient.

23 Sec. 563. Section 230.20, subsection 1, paragraph a,
24 subparagraph (1), Code 2023, is amended to read as follows:

25 (1) The costs of food, lodging, and other maintenance
26 provided to persons not patients of the ~~hospital~~ state mental
27 health institute.

28 Sec. 564. Section 230.20, subsection 7, Code 2023, is
29 amended to read as follows:

30 7. A superintendent of a mental health institute may request
31 that the director ~~of human services~~ enter into a contract
32 with a person for the mental health institute to provide
33 consultation or treatment services or for fulfilling other
34 purposes which are consistent with the purposes stated in
35 section 226.1. The contract provisions shall include charges

1 which reflect the actual cost of providing the services or
 2 fulfilling the other purposes. Any income from a contract
 3 authorized under this subsection may be retained by the
 4 mental health institute to defray the costs of providing the
 5 services. Except for a contract voluntarily entered into by a
 6 county under this subsection, the costs or income associated
 7 with a contract authorized under this subsection shall not
 8 be considered in computing charges and per diem costs in
 9 accordance with the provisions of subsections 1 through 6.

10 Sec. 565. Section 230.26, Code 2023, is amended to read as
 11 follows:

12 **230.26 Regional administrator to keep record.**

13 The regional administrator shall keep an accurate account
 14 of the cost of the maintenance of any patient kept in any
 15 ~~institution~~ facility as provided for in this chapter and keep
 16 an index of the names of the persons admitted or committed from
 17 each county in the region. The name of the spouse of the person
 18 admitted or committed shall also be indexed in the same manner
 19 as the names of the persons admitted or committed are indexed.
 20 The book shall be designated as an account book or index, and
 21 shall have no reference in any place to a lien.

22 Sec. 566. Section 230.31, Code 2023, is amended to read as
 23 follows:

24 **230.31 Departers from other states.**

25 If a person with mental illness departs without proper
 26 authority from ~~an institution~~ a facility in another state and
 27 is found in this state, a peace officer in the county in which
 28 the patient is found may take and detain the patient without
 29 order and shall report the detention to the ~~administrator~~
 30 department who shall provide for the return of the patient
 31 to the authorities of the state where the unauthorized leave
 32 was made. Pending such return, the patient may be detained
 33 temporarily at one of the institutions of this state under the
 34 control of the ~~administrator or any other administrator of the~~
 35 ~~department of human services~~. Expenses incurred under this

1 section shall be paid in the same manner as is provided for
2 transfers in section 230.8.

3 Sec. 567. Section 230.32, Code 2023, is amended to read as
4 follows:

5 **230.32 Support of nonresident patients on leave.**

6 The cost of support of patients without residence in this
7 state, who are placed on convalescent leave or removed from
8 a state mental health institute to any health care facility
9 licensed under chapter 135C for rehabilitation purposes,
10 shall be paid from the ~~hospital~~ state mental health institute
11 support fund and shall be charged on abstract in the same
12 manner as state inpatients, until such time as the patient
13 becomes self-supporting or qualifies for support under existing
14 statutes.

15 Sec. 568. Section 230.33, Code 2023, is amended to read as
16 follows:

17 **230.33 Reciprocal agreements.**

18 1. The ~~administrator~~ department may enter into agreements
19 with other states, through their duly constituted authorities,
20 to effect the reciprocal return of persons with mental illness
21 and persons with an intellectual disability to the contracting
22 states, and to effect the reciprocal supervision of persons on
23 convalescent leave.

24 2. However, in the case of a proposed transfer of a person
25 with mental illness or an intellectual disability from this
26 state, final action shall not be taken without the approval of
27 the district court of the county of admission or commitment.

28 Sec. 569. Section 230A.101, Code 2023, is amended to read
29 as follows:

30 **230A.101 Services system roles.**

31 1. The role of the department ~~of human services, through~~
32 ~~the division of the department designated~~ as the state
33 mental health authority with responsibility for state policy
34 concerning mental health and disability services, is to develop
35 and maintain policies for the mental health and disability

1 services system. The policies shall address the service needs
 2 of individuals of all ages with disabilities in this state,
 3 regardless of the individuals' places of residence or economic
 4 circumstances, and shall be consistent with the requirements of
 5 chapter 225C and other applicable law.

6 2. The role of community mental health centers in the
 7 mental health and disability services system is to provide
 8 an organized set of services in order to adequately meet the
 9 mental health needs of this state's citizens based on organized
 10 catchment areas.

11 Sec. 570. Section 230A.102, Code 2023, is amended to read
 12 as follows:

13 **230A.102 Definitions.**

14 As used in this chapter, unless the context otherwise
 15 requires:

16 1. ~~"Administrator", "commission"~~ "Commission", "department",
 17 "director", and "disability services", ~~and "division"~~ mean the
 18 same as defined in section 225C.2.

19 2. "Catchment area" means a community mental health center
 20 catchment area identified in accordance with this chapter.

21 3. "Community mental health center" or "center" means a
 22 community mental health center designated in accordance with
 23 this chapter.

24 Sec. 571. Section 230A.103, Code 2023, is amended to read
 25 as follows:

26 **230A.103 Designation of community mental health centers.**

27 1. The ~~division~~ department, subject to agreement by any
 28 community mental health center that would provide services
 29 for the catchment area and approval by the commission,
 30 shall designate at least one community mental health center
 31 under this chapter for addressing the mental health needs of
 32 the county or counties comprising the catchment area. The
 33 designation process shall provide for the input of potential
 34 service providers regarding designation of the initial
 35 catchment area or a change in the designation.

1 2. The ~~division~~ department shall utilize objective criteria
2 for designating a community mental health center to serve a
3 catchment area and for withdrawing such designation. The
4 commission shall adopt rules outlining the criteria. The
5 criteria shall include but are not limited to provisions for
6 meeting all of the following requirements:

7 a. An appropriate means shall be used for determining which
8 prospective designee is best able to serve all ages of the
9 targeted population within the catchment area with minimal or
10 no service denials.

11 b. An effective means shall be used for determining the
12 relative ability of a prospective designee to appropriately
13 provide mental health services and other support to consumers
14 residing within a catchment area as well as consumers residing
15 outside the catchment area. The criteria shall address the
16 duty for a prospective designee to arrange placements outside
17 the catchment area when such placements best meet consumer
18 needs and to provide services within the catchment area to
19 consumers who reside outside the catchment area when the
20 services are necessary and appropriate.

21 3. The board of directors for a designated community mental
22 health center shall enter into an agreement with the ~~division~~
23 department. The terms of the agreement shall include but are
24 not limited to all of the following:

25 a. The period of time the agreement will be in force.

26 b. The services and other support the center will offer or
27 provide for the residents of the catchment area.

28 c. The standards to be followed by the center in determining
29 whether and to what extent the persons seeking services from
30 the center shall be considered to be able to pay the costs of
31 the services.

32 d. The policies regarding availability of the services
33 offered by the center to the residents of the catchment area as
34 well as consumers residing outside the catchment area.

35 e. The requirements for preparation and submission to the

1 ~~division~~ department of annual audits, cost reports, program
2 reports, performance measures, and other financial and service
3 accountability information.

4 4. This section does not limit the authority of the board or
5 the boards of supervisors of any county or group of counties to
6 continue to expend money to support operation of a center.

7 Sec. 572. Section 230A.104, Code 2023, is amended to read
8 as follows:

9 **230A.104 Catchment areas.**

10 1. The ~~division~~ department shall collaborate with affected
11 counties in identifying community mental health center
12 catchment areas in accordance with this section.

13 2. *a.* Unless the ~~division~~ department has determined that
14 exceptional circumstances exist, a catchment area shall be
15 served by one community mental health center. The purpose of
16 this general limitation is to clearly designate the center
17 responsible and accountable for providing core mental health
18 services to the target population in the catchment area and to
19 protect the financial viability of the centers comprising the
20 mental health services system in the state.

21 *b.* A formal review process shall be used in determining
22 whether exceptional circumstances exist that justify
23 designating more than one center to serve a catchment area.
24 The criteria for the review process shall include but are not
25 limited to a means of determining whether the catchment area
26 can support more than one center.

27 *c.* Criteria shall be provided that would allow the
28 designation of more than one center for all or a portion of a
29 catchment area if designation or approval for more than one
30 center was provided by the ~~division~~ department as of October 1,
31 2010. The criteria shall require a determination that all such
32 centers would be financially viable if designation is provided
33 for all.

34 Sec. 573. Section 230A.105, subsection 1, paragraph e, Code
35 2023, is amended to read as follows:

1 e. Individuals described in paragraph "a", "b", "c", or "d"
 2 who have a co-occurring disorder, including but not limited
 3 to substance ~~abuse~~ use disorder, intellectual disability,
 4 a developmental disability, brain injury, autism spectrum
 5 disorder, or another disability or special health care need.

6 Sec. 574. Section 230A.108, Code 2023, is amended to read
 7 as follows:

8 **230A.108 Administrative, diagnostic, and demographic**
 9 **information.**

10 Release of administrative and diagnostic information, as
 11 defined in section 228.1, and demographic information necessary
 12 for aggregated reporting to meet the data requirements
 13 established by the ~~division~~ department, relating to an
 14 individual who receives services from a community mental health
 15 center, may be made a condition of support of that center by
 16 the ~~division~~ department.

17 Sec. 575. Section 230A.110, subsections 1 and 2, Code 2023,
 18 are amended to read as follows:

19 1. The ~~division~~ department shall recommend and the
 20 commission shall adopt standards for designated community
 21 mental health centers and comprehensive community mental health
 22 programs, with the overall objective of ensuring that each
 23 center and each affiliate providing services under contract
 24 with a center furnishes high-quality mental health services
 25 within a framework of accountability to the community it
 26 serves. The standards adopted shall conform with federal
 27 standards applicable to community mental health centers
 28 and shall be in substantial conformity with the applicable
 29 behavioral health standards adopted by the joint commission,
 30 formerly known as the joint commission on accreditation
 31 of health care organizations, or other recognized national
 32 standards for evaluation of psychiatric facilities unless in
 33 the judgment of the ~~division~~ department, with approval of the
 34 commission, there are sound reasons for departing from the
 35 standards.

1 2. When recommending standards under this section, the
2 ~~division~~ department shall designate an advisory committee
3 representing boards of directors and professional staff
4 of designated community mental health centers to assist in
5 the formulation or revision of standards. The membership
6 of the advisory committee shall include representatives of
7 professional and nonprofessional staff and other appropriate
8 individuals.

9 Sec. 576. Section 230A.110, subsection 3, paragraph c, Code
10 2023, is amended to read as follows:

11 c. Arrange for the financial condition and transactions
12 of the community mental health center to be audited once
13 each year by the auditor of state. However, in lieu of an
14 audit by the auditor of state, the local governing body of a
15 community mental health center organized under this chapter
16 may contract with or employ certified public accountants
17 to conduct the audit, pursuant to the applicable terms and
18 conditions prescribed by sections 11.6 and 11.19 and audit
19 format prescribed by the auditor of state. Copies of each
20 audit shall be furnished by the auditor or accountant to the
21 ~~administrator of the division of mental health and disability~~
22 services department.

23 Sec. 577. Section 230A.111, Code 2023, is amended to read
24 as follows:

25 **230A.111 Review and evaluation.**

26 1. The review and evaluation of designated centers shall
27 be performed through a formal accreditation review process as
28 recommended by the ~~division~~ department and approved by the
29 commission. The accreditation process shall include all of the
30 following:

31 a. Specific time intervals for full accreditation reviews
32 based upon levels of accreditation.

33 b. Use of random or complaint-specific, on-site limited
34 accreditation reviews in the interim between full accreditation
35 reviews, as a quality review approach. The results of such

1 reviews shall be presented to the commission.

2 *c.* Use of center accreditation self-assessment tools to
3 gather data regarding quality of care and outcomes, whether
4 used during full or limited reviews or at other times.

5 2. The accreditation process shall include but is not
6 limited to addressing all of the following:

7 *a.* Measures to address centers that do not meet standards,
8 including authority to revoke accreditation.

9 *b.* Measures to address noncompliant centers that do not
10 develop a corrective action plan or fail to implement steps
11 included in a corrective action plan accepted by the ~~division~~
12 department.

13 *c.* Measures to appropriately recognize centers that
14 successfully complete a corrective action plan.

15 *d.* Criteria to determine when a center's accreditation
16 should be denied, revoked, suspended, or made provisional.

17 Sec. 578. Section 231.4, subsection 1, paragraphs e and f,
18 Code 2023, are amended to read as follows:

19 *e.* "Department" means the department ~~on aging~~ of health and
20 human services.

21 *f.* "Director" means the director of the ~~department on aging~~
22 health and human services.

23 Sec. 579. Section 231.21, Code 2023, is amended to read as
24 follows:

25 **231.21 ~~Department on aging~~ Administration of chapter —**
26 **department of health and human services.**

27 ~~An Iowa~~ The department ~~on aging is established which of~~
28 health and human services shall administer this chapter
29 under the policy direction of the commission on aging. ~~The~~
30 ~~department on aging shall be administered by a director.~~

31 Sec. 580. Section 231.23, Code 2023, is amended to read as
32 follows:

33 **231.23 ~~Department on aging~~ — duties and authority.**

34 The department ~~on aging~~ ~~director~~ shall:

35 1. Develop and administer a state plan on aging.

1 2. Assist the commission in the review and approval of area
2 plans.

3 3. Pursuant to commission policy, coordinate state
4 activities related to the purposes of this chapter and all
5 other chapters under the department's jurisdiction.

6 4. Advocate for older individuals by reviewing and
7 commenting upon all state plans, budgets, laws, rules,
8 regulations, and policies which affect older individuals and
9 by providing technical assistance to any agency, organization,
10 association, or individual representing the needs of older
11 individuals.

12 5. Assist the commission in dividing the state into distinct
13 planning and service areas.

14 6. Assist the commission in designating for each area a
15 public or private nonprofit agency or organization as the area
16 agency on aging for that area.

17 7. Pursuant to commission policy, take into account the
18 views of older Iowans.

19 8. Assist the commission in adopting a method for the
20 distribution of funds available from the federal Act and state
21 appropriations and allocations.

22 9. Assist the commission in assuring that preference will
23 be given to providing services to older individuals with the
24 greatest economic or social needs, with particular attention to
25 low-income minority older individuals, older individuals with
26 limited English proficiency, and older individuals residing in
27 rural areas.

28 10. Assist the commission in developing, adopting, and
29 enforcing administrative rules, by issuing necessary forms and
30 procedures.

31 11. Apply for, receive, and administer grants, devises,
32 donations, gifts, or bequests of real or personal property from
33 any source to conduct projects consistent with the purposes of
34 the department. Notwithstanding section 8.33, moneys received
35 by the department pursuant to this section are not subject to

1 reversion to the general fund of the state.

2 12. Administer state authorized programs.

3 13. Establish a procedure for an area agency on aging to
4 use in selection of members of the agency's board of directors.
5 The selection procedure shall be incorporated into the bylaws
6 of the board of directors.

7 Sec. 581. Section 231.23A, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:

9 The department ~~on-aging~~ shall provide or administer, but is
10 not limited to providing or administering, all of the following
11 programs and services:

12 Sec. 582. Section 231.31, Code 2023, is amended to read as
13 follows:

14 **231.31 State plan on aging.**

15 The department ~~on-aging~~ shall develop, and submit to the
16 commission on aging for approval, a multiyear state plan on
17 aging. The state plan on aging shall meet all applicable
18 federal requirements.

19 Sec. 583. Section 231.32, subsection 2, paragraph d, Code
20 2023, is amended to read as follows:

21 *d.* Any public or nonprofit private agency in a planning
22 and service area or any separate organizational unit within
23 such agency which is under the supervision or direction for
24 this purpose of the department ~~on-aging~~ and which can and will
25 engage only in the planning or provision of a broad range of
26 long-term living and community support services or nutrition
27 services within the planning and service area.

28 Sec. 584. Section 231.42, subsection 4, paragraph a, Code
29 2023, is amended to read as follows:

30 *a.* If abuse, neglect, or exploitation of a resident or
31 tenant is suspected, the state or a local long-term care
32 ombudsman shall, with the permission of the resident or tenant
33 as applicable under federal law, make an immediate referral
34 to the department of inspections and appeals, the department
35 of health and human services, ~~the department on-aging~~, or the

1 appropriate law enforcement agency, as applicable.

2 Sec. 585. Section 231.58, Code 2023, is amended to read as
3 follows:

4 **231.58 Long-term living coordination.**

5 The director may convene meetings, as necessary, of the
6 director and the ~~directors of human services, public health,~~
7 and director of inspections and appeals, to assist in the
8 coordination of policy, service delivery, and long-range
9 planning relating to the long-term living system and older
10 Iowans in the state. The group may consult with individuals,
11 institutions and entities with expertise in the area of the
12 long-term living system and older Iowans, as necessary, to
13 facilitate the group's efforts.

14 Sec. 586. Section 231C.5, subsection 2, paragraph b,
15 subparagraph (2), subparagraph division (c), Code 2023, is
16 amended to read as follows:

17 (c) Contact information for the department of health and
18 human services and the senior health insurance information
19 program to assist tenants in accessing third-party payment
20 sources.

21 Sec. 587. Section 231C.5A, Code 2023, is amended to read as
22 follows:

23 **231C.5A Assessment of tenants — program eligibility.**

24 An assisted living program receiving reimbursement through
25 the medical assistance program under chapter 249A shall
26 assist the department of veterans affairs in identifying, upon
27 admission of a tenant, the tenant's eligibility for benefits
28 through the United States department of veterans affairs. The
29 assisted living program shall also assist the commission of
30 veterans affairs in determining such eligibility for tenants
31 residing in the program on July 1, 2009. The department of
32 inspections and appeals, in cooperation with the department of
33 health and human services, shall adopt rules to administer this
34 section, including a provision that ensures that if a tenant is
35 eligible for benefits through the United States department of

1 veterans affairs or other third-party payor, the payor of last
 2 resort for reimbursement to the assisted living program is the
 3 medical assistance program. The rules shall also require the
 4 assisted living program to request information from a tenant or
 5 tenant's personal representative regarding the tenant's veteran
 6 status and to report to the department of veterans affairs
 7 only the names of tenants identified as potential veterans
 8 along with the names of their spouses and any dependents.
 9 Information reported by the assisted living program shall be
 10 verified by the department of veterans affairs.

11 Sec. 588. Section 231E.3, subsections 5 and 6, Code 2023,
 12 are amended to read as follows:

13 5. "*Department*" means the department ~~on aging established in~~
 14 ~~section 231.21~~ of health and human services.

15 6. "*Director*" means the director of ~~the department on aging~~
 16 health and human services.

17 Sec. 589. Section 231E.4, subsection 3, paragraph e, Code
 18 2023, is amended to read as follows:

19 e. Work with the ~~department of human services, the~~
 20 ~~Iowa department of public health, the Iowa developmental~~
 21 ~~disabilities council,~~ and other agencies to establish
 22 a referral system for the provision of guardianship,
 23 conservatorship, and representative payee services.

24 Sec. 590. Section 232.2, subsections 14 and 18, Code 2023,
 25 are amended to read as follows:

26 14. "*Department*" means the department of health and human
 27 services and includes the local, and county, ~~and service area~~
 28 officers of the department.

29 18. "*Director*" means the director of ~~the department of~~
 30 health and human services or that person's the director's
 31 designee.

32 Sec. 591. Section 232.11, subsections 3, 4, and 5, Code
 33 2023, are amended to read as follows:

34 3. If the child is not represented by counsel as required
 35 under subsection 1, counsel shall be provided as follows:

1 a. If the court determines, after giving the child's parent,
2 guardian, or custodian an opportunity to be heard, that such
3 person has the ability in whole or in part to pay for the
4 employment of counsel, it shall either order that person to
5 retain an attorney to represent the child or shall appoint
6 counsel for the child and order the parent, guardian, or
7 custodian to pay for that counsel as provided in subsection 5.

8 b. If the court determines that the parent, guardian,
9 or custodian cannot pay any part of the expenses of counsel
10 to represent the child, it shall appoint counsel, who shall
11 be reimbursed according to section 232.141, subsection 2,
12 paragraph "b".

13 c. The court may appoint counsel to represent the child
14 and reserve the determination of payment until the parent,
15 guardian, or custodian has an opportunity to be heard.

16 4. If the child is represented by counsel and the court
17 determines that there is a conflict of interest between the
18 child and the child's parent, guardian, or custodian and that
19 the retained counsel could not properly represent the child as
20 a result of the conflict, the court shall appoint other counsel
21 to represent the child and order the parent, guardian, or
22 custodian to pay for such counsel as provided in subsection 5.

23 5. If the court determines, after an inquiry which includes
24 notice and reasonable opportunity to be heard that the parent,
25 guardian, or custodian has the ability to pay in whole or
26 in part for the attorney appointed for the child, the court
27 may order that person to pay such sums as the court finds
28 appropriate in the manner and to whom the court directs. If
29 the person so ordered fails to comply with the order without
30 good reason, the court shall enter judgment against the person.

31 Sec. 592. Section 232.21, subsection 2, paragraph a,
32 subparagraph (3), Code 2023, is amended to read as follows:

33 (3) An institution or other facility operated by the
34 department of ~~human services~~, or one which is licensed or
35 otherwise authorized by law to receive and provide care for the

1 child.

2 Sec. 593. Section 232.22, subsection 5, paragraph b, Code
3 2023, is amended to read as follows:

4 b. The court determines that an acceptable alternative
5 placement does not exist pursuant to criteria developed by the
6 department ~~of human services~~.

7 Sec. 594. Section 232.28, subsections 3, 4, and 5, Code
8 2023, are amended to read as follows:

9 3. In the course of a preliminary inquiry, the intake
10 officer may:

11 a. Interview the complainant, victim, or witnesses of the
12 alleged delinquent act.

13 b. Check existing records of the court, law enforcement
14 agencies, public records of other agencies, and child abuse
15 records as provided in section 235A.15, subsection 2, paragraph
16 "e".

17 c. Hold conferences with the child and the child's parent or
18 parents, guardian, or custodian for the purpose of interviewing
19 them and discussing the disposition of the complaint in
20 accordance with the requirements set forth in subsection 8.

21 d. Examine any physical evidence pertinent to the complaint.

22 e. Interview such persons as are necessary to determine
23 whether the filing of a petition would be in the best interests
24 of the child and the community as provided in section 232.35,
25 subsections 2 and 3.

26 4. Any additional inquiries may be made only with the
27 consent of the child and the child's parent or parents,
28 guardian, or custodian.

29 5. Participation of the child and the child's parent or
30 parents, guardian, or custodian in a conference with an intake
31 officer shall be voluntary, and they shall have the right to
32 refuse to participate in such conference. At such conference
33 the child shall have the right to the assistance of counsel in
34 accordance with section 232.11 and the right to remain silent
35 when questioned by the intake officer.

1 Sec. 595. Section 232.29, subsection 1, paragraphs b, d, and
2 g, Code 2023, are amended to read as follows:

3 *b.* The intake officer shall advise the child and the child's
4 parent, guardian, or custodian that they have the right to
5 refuse an informal adjustment of the complaint and demand the
6 filing of a petition and a formal adjudication.

7 *d.* The terms of such agreement shall be clearly stated in
8 writing and signed by all parties to the agreement and a copy
9 of this agreement shall be given to the child; the counsel for
10 the child; the parent, guardian, or custodian; and the intake
11 officer, who shall retain the copy in the case file.

12 *g.* The child and the child's parent, guardian, or custodian
13 shall have the right to terminate such agreement at any
14 time and to request the filing of a petition and a formal
15 adjudication.

16 Sec. 596. Section 232.38, Code 2023, is amended to read as
17 follows:

18 **232.38 Presence of parents at hearings.**

19 1. Any hearings or proceedings under this subchapter
20 subsequent to the filing of a petition shall not take place
21 without the presence of one or both of the child's parents,
22 guardian, or custodian except that a hearing or proceeding may
23 take place without such presence if the parent, guardian, or
24 custodian fails to appear after reasonable notification, or if
25 the court finds that a reasonably diligent effort has been made
26 to notify the child's parent, guardian, or custodian, and the
27 effort was unavailing.

28 2. In any such hearings or proceedings the court may
29 temporarily excuse the presence of the parent, guardian, or
30 custodian when the court deems it in the best interests of the
31 child. Counsel for the parent, guardian, or custodian shall
32 have the right to participate in a hearing or proceeding during
33 the absence of the parent, guardian, or custodian.

34 Sec. 597. Section 232.43, subsection 2, Code 2023, is
35 amended to read as follows:

1 2. The county attorney and the child's counsel may mutually
2 consider a plea agreement which contemplates entry of a plea
3 admitting the allegations of the petition in the expectation
4 that other charges will be dismissed or not filed or that a
5 specific disposition will be recommended by the county attorney
6 and granted by the court. Any plea discussion shall be open to
7 the child and the child's parent, guardian, or custodian.

8 Sec. 598. Section 232.44, subsection 5, paragraph b,
9 subparagraph (1), Code 2023, is amended to read as follows:

10 (1) Place the child in the custody of a parent, guardian,
11 or custodian under that person's supervision, or under the
12 supervision of an organization which agrees to supervise the
13 child.

14 Sec. 599. Section 232.44, subsection 7, Code 2023, is
15 amended to read as follows:

16 7. If a child held in shelter care or detention by court
17 order has not been released after a detention hearing or has
18 not appeared at an adjudicatory hearing before the expiration
19 of the order of detention, an additional hearing shall
20 automatically be scheduled for the next court day following the
21 expiration of the order. The child, the child's counsel, the
22 child's guardian ad litem, and the child's parent, guardian,
23 or custodian shall be notified of this hearing not less than
24 twenty-four hours before the hearing is scheduled to take
25 place. The hearing required by this subsection may be held by
26 telephone conference call.

27 Sec. 600. Section 232.46, subsection 1, paragraph b, Code
28 2023, is amended to read as follows:

29 b. A child's need for shelter placement or for inpatient
30 mental health or substance ~~abuse~~ use disorder treatment does
31 not preclude entry or continued execution of a consent decree.

32 Sec. 601. Section 232.46, subsection 3, Code 2023, is
33 amended to read as follows:

34 3. A consent decree shall not be entered unless the child
35 and the child's parent, guardian, or custodian is informed

1 of the consequences of the decree by the court and the court
2 determines that the child has voluntarily and intelligently
3 agreed to the terms and conditions of the decree. If the
4 county attorney objects to the entry of a consent decree,
5 the court shall proceed to determine the appropriateness of
6 entering a consent decree after consideration of any objections
7 or reasons for entering such a decree.

8 Sec. 602. Section 232.52, subsection 2, paragraph d,
9 subparagraph (3), Code 2023, is amended to read as follows:

10 (3) The department ~~of human services~~ for purposes of
11 foster care and prescribing the type of placement which will
12 serve the best interests of the child and the means by which
13 the placement shall be monitored by the court. The court
14 shall consider ordering placement in family foster care as an
15 alternative to group foster care.

16 Sec. 603. Section 232.52, subsection 2, paragraph e,
17 unnumbered paragraph 1, Code 2023, is amended to read as
18 follows:

19 An order transferring the custody of the child, subject to
20 the continuing jurisdiction and custody of the court for the
21 purposes of section 232.54, to the director ~~of the department~~
22 ~~of human services~~ for purposes of placement in the state
23 training school or other facility, provided that the child is
24 at least twelve years of age and the court finds the placement
25 to be in the best interests of the child or necessary for the
26 protection of the public, and that the child has been found to
27 have committed an act which is a forcible felony, as defined
28 in section 702.11, or a felony violation of section 124.401
29 or chapter 707, or the court finds any three of the following
30 conditions exist:

31 Sec. 604. Section 232.52, subsections 6, 8, and 9, Code
32 2023, are amended to read as follows:

33 6. If the court orders the transfer of custody of the
34 child to the department ~~of human services~~ or other agency
35 for placement, the department or agency responsible for the

1 placement of the child shall submit a case permanency plan to
 2 the court and shall make every effort to return the child to
 3 the child's home as quickly as possible.

4 8. If the court orders the transfer of the custody of the
 5 child to the department ~~of human services~~ or to another agency
 6 for placement in group foster care, the department or agency
 7 shall make every reasonable effort to place the child in the
 8 least restrictive, most family-like, and most appropriate
 9 setting available and in close proximity to the parents' home,
 10 consistent with the child's best interests and special needs,
 11 and shall consider the placement's proximity to the school in
 12 which the child is enrolled at the time of placement.

13 9. If a child has previously been adjudicated as a child
 14 in need of assistance, and a social worker or other caseworker
 15 from the department ~~of human services~~ has been assigned to work
 16 on the child's case, the court may order the department ~~of~~
 17 ~~human services~~ to assign the same social worker or caseworker
 18 to work on any matters related to the child arising under this
 19 subchapter.

20 Sec. 605. Section 232.52, subsection 10, paragraph a,
 21 unnumbered paragraph 1, Code 2023, is amended to read as
 22 follows:

23 Upon receipt of an application from the director ~~of the~~
 24 ~~department of human services~~, the court shall enter an order
 25 to temporarily transfer a child who has been placed in the
 26 state training school pursuant to subsection 2, paragraph "e",
 27 to a facility which has been designated to be an alternative
 28 placement site for the state training school, provided the
 29 court finds that all of the following conditions exist:

30 Sec. 606. Section 232.68, subsection 4, Code 2023, is
 31 amended to read as follows:

32 4. "Department" means the state department of health and
 33 human services and includes the local, and county, ~~and service~~
 34 ~~area~~ offices of the department.

35 Sec. 607. Section 232.69, subsection 1, paragraph b,

1 subparagraphs (6) and (7), Code 2023, are amended to read as
2 follows:

3 (6) An employee or operator of a substance ~~abuse~~ use
4 disorder program or facility licensed under chapter 125.

5 (7) An employee of a department ~~of human services~~
6 institution listed in section 218.1.

7 Sec. 608. Section 232.70, subsections 3, 5, and 6, Code
8 2023, are amended to read as follows:

9 3. The oral report shall be made by telephone or otherwise
10 to the department ~~of human services~~. If the person making the
11 report has reason to believe that immediate protection for the
12 child is advisable, that person shall also make an oral report
13 to an appropriate law enforcement agency.

14 5. The oral and written reports shall contain the following
15 information, or as much ~~thereof~~ of the following information as
16 the person making the report is able to furnish:

17 a. The names and home address of the child and the child's
18 parents or other persons believed to be responsible for the
19 child's care~~+~~.

20 b. The child's present whereabouts if not the same as the
21 parent's or other person's home address~~+~~.

22 c. The child's age~~+~~.

23 d. The nature and extent of the child's injuries, including
24 any evidence of previous injuries~~+~~.

25 e. The name, age and condition of other children in the same
26 home~~+~~.

27 f. Any other information which the person making the report
28 believes might be helpful in establishing the cause of the
29 injury to the child, the identity of the person or persons
30 responsible for the injury, or in providing assistance to the
31 child~~;~~and.

32 g. The name and address of the person making the report.

33 6. A report made by a permissive reporter, as defined in
34 section 232.69, subsection 2, shall be regarded as a report
35 pursuant to this chapter whether or not the report contains

1 all of the information required by this section and may be
 2 made to the department ~~of human services~~, county attorney, or
 3 law enforcement agency. If the report is made to any agency
 4 other than the department ~~of human services~~, such agency shall
 5 promptly refer the report to the department ~~of human services~~.

6 Sec. 609. Section 232.72, subsections 1 and 2, Code 2023,
 7 are amended to read as follows:

8 1. For the purposes of this subchapter, the terms
 9 "department of health and human services", "~~department~~", or
 10 "~~county attorney~~" ordinarily refer to the ~~service area or~~ local
 11 office of the department ~~of human services~~ or of the county
 12 attorney's office serving the county in which the child's home
 13 is located.

14 2. If the person making a report of child abuse pursuant to
 15 this chapter does not know where the child's home is located,
 16 ~~or if the child's home is not located in the service area where~~
 17 ~~the health practitioner examines, attends, or treats the child,~~
 18 the report may be made to the department or to the local office
 19 serving the county where the person making the report resides
 20 or the county where the health practitioner examines, attends,
 21 or treats the child. These agencies shall promptly proceed as
 22 provided in section 232.71B, unless the matter is transferred
 23 as provided in this section.

24 Sec. 610. Section 232.75, subsection 3, Code 2023, is
 25 amended to read as follows:

26 3. A person who reports or causes to be reported to the
 27 department ~~of human services~~ false information regarding an
 28 alleged act of child abuse, knowing that the information
 29 is false or that the act did not occur, commits a simple
 30 misdemeanor.

31 Sec. 611. Section 232.78, subsection 4, Code 2023, is
 32 amended to read as follows:

33 4. The juvenile court may enter an order authorizing
 34 a physician or physician assistant or hospital to provide
 35 emergency medical or surgical procedures before the filing of

1 a petition under this chapter provided all of the following
2 conditions are met:

3 *a.* Such procedures are necessary to safeguard the life and
4 health of the child; ~~and.~~

5 *b.* There is not enough time to file a petition under this
6 chapter and hold a hearing as provided in section 232.95.

7 Sec. 612. Section 232.79, subsection 4, paragraphs a and b,
8 Code 2023, are amended to read as follows:

9 *a.* When the court is informed that there has been an
10 emergency removal or keeping of a child without a court order,
11 the court shall direct the department ~~of human services~~ or
12 the juvenile probation department to make every reasonable
13 effort to communicate immediately with the child's parent or
14 parents or other person legally responsible for the child's
15 care. Upon locating the child's parent or parents or other
16 person legally responsible for the child's care, the department
17 ~~of human services~~ or the juvenile probation department shall,
18 in accordance with court-established procedures, immediately
19 orally inform the court. After orally informing the court,
20 the department ~~of human services~~ or the juvenile probation
21 department shall provide to the court written documentation of
22 the oral information.

23 *b.* The court shall authorize the department ~~of human~~
24 ~~services~~ or the juvenile probation department to cause a
25 child thus removed or kept to be returned if it concludes
26 there is not an imminent risk to the child's life and health
27 in so doing. If the department ~~of human services~~ or the
28 juvenile probation department receives information which could
29 affect the court's decision regarding the child's return,
30 the department ~~of human services~~ or the juvenile probation
31 department, in accordance with court established procedures,
32 shall immediately orally provide the information to the
33 court. After orally providing the information to the court,
34 the department ~~of human services~~ or the juvenile probation
35 department shall provide to the court written documentation

1 of the oral information. If the child is not returned,
2 the department ~~of human services~~ or the juvenile probation
3 department shall ~~forthwith~~ cause a petition to be filed within
4 three days after the removal.

5 Sec. 613. Section 232.81, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. Upon receipt of a complaint, the court may request the
8 department ~~of human services~~, juvenile probation office, or
9 other authorized agency or individual to conduct a preliminary
10 investigation of the complaint to determine if further action
11 should be taken.

12 Sec. 614. Section 232.82, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. If an order is entered under subsection 1 and a petition
15 has not yet been filed under this chapter, the petition shall
16 be filed under section 232.87 by the county attorney, the
17 department ~~of human services~~, or a juvenile court officer
18 within three days of the entering of the order.

19 Sec. 615. Section 232.87, subsection 2, Code 2023, is
20 amended to read as follows:

21 2. A petition may be filed by the department ~~of human~~
22 ~~services~~, juvenile court officer, or county attorney.

23 Sec. 616. Section 232.89, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. The court shall determine, after giving the parent,
26 guardian, or custodian an opportunity to be heard, whether
27 the person has the ability to pay in whole or in part for
28 counsel appointed for the child. If the court determines
29 that the person possesses sufficient financial ability,
30 the court shall then consult with the department ~~of human~~
31 ~~services~~, the juvenile probation office, or other authorized
32 agency or individual regarding the likelihood of impairment
33 of the relationship between the child and the child's parent,
34 guardian, or custodian as a result of ordering the parent,
35 guardian, or custodian to pay for the child's counsel. If

1 impairment is deemed unlikely, the court shall order that
2 person to pay an amount the court finds appropriate in the
3 manner and to whom the court directs. If the person fails to
4 comply with the order without good reason, the court shall
5 enter judgment against the person. If impairment is deemed
6 likely or if the court determines that the parent, guardian,
7 or custodian cannot pay any part of the expenses of counsel
8 appointed to represent the child, counsel shall be reimbursed
9 pursuant to section 232.141, subsection 2, paragraph "b".

10 Sec. 617. Section 232.96, subsections 4 and 6, Code 2023,
11 are amended to read as follows:

12 4. A report made to the department of ~~human services~~
13 pursuant to chapter 235A shall be admissible in evidence,
14 but such a report shall not alone be sufficient to support a
15 finding that the child is a child in need of assistance unless
16 the attorneys for the child and the parents consent to such a
17 finding.

18 6. A report, study, record, or other writing or an
19 audiotape or videotape recording made by the department of
20 ~~human services~~, a juvenile court officer, a peace officer, a
21 child protection center, or a hospital relating to a child in a
22 proceeding under this subchapter is admissible notwithstanding
23 any objection to hearsay statements contained in it provided
24 it is relevant and material and provided its probative value
25 substantially outweighs the danger of unfair prejudice to the
26 child's parent, guardian, or custodian. The circumstances of
27 the making of the report, study, record or other writing or an
28 audiotape or videotape recording, including the maker's lack of
29 personal knowledge, may be proved to affect its weight.

30 Sec. 618. Section 232.97, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. The court shall not make a disposition of the petition
33 until five working days after a social report has been
34 submitted to the court and counsel for the child and has been
35 considered by the court. The court may waive the five-day

1 requirement upon agreement by all the parties. The court may
 2 direct either the juvenile court officer or the department
 3 ~~of human services~~ or any other agency licensed by the state
 4 to conduct a social investigation and to prepare a social
 5 report which may include any evidence provided by an individual
 6 providing foster care for the child. A report prepared shall
 7 include any founded reports of child abuse.

8 Sec. 619. Section 232.98, subsection 2, Code 2023, is
 9 amended to read as follows:

10 2. Following an adjudication that a child is a child in need
 11 of assistance, the court may after a hearing order the physical
 12 or mental examination of the parent, guardian, or custodian if
 13 that person's ability to care for the child is at issue.

14 Sec. 620. Section 232.100, Code 2023, is amended to read as
 15 follows:

16 **232.100 Suspended judgment.**

17 After the dispositional hearing the court may enter an
 18 order suspending judgment and continuing the proceedings
 19 subject to terms and conditions imposed to assure the proper
 20 care and protection of the child. Such terms and conditions
 21 may include the supervision of the child and of the parent,
 22 guardian, or custodian by the department ~~of human services~~,
 23 juvenile court office, or other appropriate agency designated
 24 by the court. The maximum duration of any term or condition of
 25 a suspended judgment shall be twelve months unless the court
 26 finds at a hearing held during the last month of that period
 27 that exceptional circumstances require an extension of the term
 28 or condition for an additional six months.

29 Sec. 621. Section 232.101, subsection 1, Code 2023, is
 30 amended to read as follows:

31 1. After the dispositional hearing, the court may enter an
 32 order permitting the child's parent, guardian, or custodian
 33 at the time of the filing of the petition to retain custody
 34 of the child subject to terms and conditions which the court
 35 prescribes to assure the proper care and protection of the

1 child. Such terms and conditions may include supervision
2 of the child and the parent, guardian, or custodian by the
3 department ~~of human services~~, juvenile court office, or other
4 appropriate agency which the court designates. Such terms
5 and conditions may also include the provision or acceptance
6 by the parent, guardian, or custodian of special treatment or
7 care which the child needs for the child's physical or mental
8 health. If the parent, guardian, or custodian fails to provide
9 the treatment or care, the court may order the department
10 ~~of human services~~ or some other appropriate state agency to
11 provide such care or treatment.

12 Sec. 622. Section 232.102, subsections 4 and 6, Code 2023,
13 are amended to read as follows:

14 4. a. Whenever possible the court should permit the
15 child to remain at home with the child's parent, guardian, or
16 custodian. Custody of the child should not be transferred
17 unless the court finds there is clear and convincing evidence
18 ~~that~~ of any of the following:

19 (1) The child cannot be protected from physical abuse
20 without transfer of custody; ~~or.~~

21 (2) The child cannot be protected from some harm which would
22 justify the adjudication of the child as a child in need of
23 assistance and an adequate placement is available.

24 b. In order to transfer custody of the child under
25 this subsection, the court must make a determination that
26 continuation of the child in the child's home would be contrary
27 to the welfare of the child, and shall identify the reasonable
28 efforts that have been made. The court's determination
29 regarding continuation of the child in the child's home,
30 and regarding reasonable efforts, including those made to
31 prevent removal and those made to finalize any permanency
32 plan in effect, as well as any determination by the court
33 that reasonable efforts are not required, must be made on
34 a case-by-case basis. The grounds for each determination
35 must be explicitly documented and stated in the court order.

1 However, preserving the safety of the child is the paramount
2 consideration. If imminent danger to the child's life or
3 health exists at the time of the court's consideration, the
4 determinations otherwise required under this paragraph shall
5 not be a prerequisite for an order for removal of the child.
6 If the court transfers custody of the child, unless the
7 court waives the requirement for making reasonable efforts or
8 otherwise makes a determination that reasonable efforts are not
9 required, reasonable efforts shall be made to make it possible
10 for the child to safely return to the family's home.

11 6. In any order transferring custody to the department
12 or an agency, or in orders pursuant to a custody order, the
13 court shall specify the nature and category of disposition
14 which will serve the best interests of the child, and shall
15 prescribe the means by which the placement shall be monitored
16 by the court. If the court orders the transfer of the custody
17 of the child to the department ~~of human services~~ or other
18 agency for placement, the department or agency shall submit
19 a case permanency plan to the court and shall make every
20 reasonable effort to return the child to the child's home as
21 quickly as possible consistent with the best interests of the
22 child. When the child is not returned to the child's home and
23 if the child has been previously placed in a licensed foster
24 care facility, the department or agency shall consider placing
25 the child in the same licensed foster care facility. If the
26 court orders the transfer of custody to a parent who does not
27 have physical care of the child, other relative, or other
28 suitable person, the court may direct the department or other
29 agency to provide services to the child's parent, guardian,
30 or custodian in order to enable them to resume custody of the
31 child. If the court orders the transfer of custody to the
32 department ~~of human services~~ or to another agency for placement
33 in group foster care, the department or agency shall make every
34 reasonable effort to place the child in the least restrictive,
35 most family-like, and most appropriate setting available, and

1 in close proximity to the parents' home, consistent with the
2 child's best interests and special needs, and shall consider
3 the placement's proximity to the school in which the child is
4 enrolled at the time of placement.

5 Sec. 623. Section 232.103A, subsections 3 and 5, Code 2023,
6 are amended to read as follows:

7 3. The juvenile court shall designate the petitioner and
8 respondent for the purposes of the bridge order. A bridge
9 order shall only address matters of custody, physical care, and
10 visitation. All other matters, including child support, shall
11 be filed by separate petition or by action of ~~the~~ child support
12 ~~recovery unit~~ services, and shall be subject to existing
13 applicable statutory provisions.

14 5. The district court shall take judicial notice of the
15 juvenile file in any hearing related to the case. Records
16 contained in the district court case file that were copied or
17 transferred from the juvenile court file concerning the case
18 shall be subject to section 232.147 and other confidentiality
19 provisions of this chapter for cases not involving juvenile
20 delinquency, and shall be disclosed, upon request, to ~~the~~ child
21 support ~~recovery unit~~ services without a court order.

22 Sec. 624. Section 232.111, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. A child's guardian, guardian ad litem, or custodian,
25 the department of ~~human services~~, a juvenile court officer, or
26 the county attorney may file a petition for termination of the
27 parent-child relationship and parental rights with respect to a
28 child.

29 Sec. 625. Section 232.116, subsection 1, paragraph 1, Code
30 2023, is amended to read as follows:

31 1. The court finds that all of the following have occurred:

32 (1) The child has been adjudicated a child in need of
33 assistance pursuant to section 232.96 and custody has been
34 transferred from the child's parents for placement pursuant to
35 section 232.102.

1 (2) The parent has a severe ~~substance-related~~ substance use
2 disorder as described by either of the following:

3 (a) The severe ~~substance-related~~ substance use disorder
4 meets the definition for that term as defined in the most
5 current edition of the diagnostic and statistical manual
6 prepared by the American psychiatric association, and the
7 parent presents a danger to self or others as evidenced by
8 prior acts.

9 (b) The disorder is evidenced by continued and repeated use
10 through the case, the parent's refusal to obtain a substance
11 ~~abuse~~ use disorder evaluation or treatment after given the
12 opportunity to do so, and the parent presents a danger to self
13 or others as evidenced by prior acts.

14 (3) There is clear and convincing evidence that the parent's
15 prognosis indicates that the child will not be able to be
16 returned to the custody of the parent within a reasonable
17 period of time considering the child's age and need for a
18 permanent home.

19 Sec. 626. Section 232.142, Code 2023, is amended to read as
20 follows:

21 **232.142 Maintenance and cost of juvenile homes — fund.**

22 1. County boards of supervisors which singly or in
23 conjunction with one or more other counties provide and
24 maintain juvenile detention and juvenile shelter care homes are
25 subject to this section.

26 2. For the purpose of providing and maintaining a county
27 or multicounty home, the board of supervisors of any county
28 may issue general county purpose bonds in accordance with
29 sections 331.441 through 331.449. Expenses for providing and
30 maintaining a multicounty home shall be paid by the counties
31 participating in a manner to be determined by the boards of
32 supervisors.

33 3. A county or multicounty juvenile detention home approved
34 pursuant to this section shall receive financial aid from the
35 state in a manner approved by the director, ~~the director of the~~

1 ~~department of human rights, or a designee of the director of~~
 2 ~~the department of human rights.~~ Aid paid by the state shall
 3 be at least ten percent and not more than fifty percent of the
 4 total cost of the establishment, improvements, operation, and
 5 maintenance of the home. ~~This subsection is repealed July 1,~~
 6 ~~2023.~~

7 4. ~~The director, the director of the department of human~~
 8 ~~rights, or a designee of the director of the department of~~
 9 ~~human rights~~ shall adopt minimal rules and standards for the
 10 establishment, maintenance, and operation of such homes as
 11 shall be necessary to effect the purposes of this chapter. The
 12 rules shall apply the requirements of section 237.8, concerning
 13 employment and evaluation of persons with direct responsibility
 14 for a child or with access to a child when the child is
 15 alone and persons residing in a child foster care facility,
 16 to persons employed by, residing in, or volunteering for a
 17 home approved under this section. The director shall, upon
 18 request, give guidance and consultation in the establishment
 19 and administration of the homes and programs for the homes.
 20 ~~This subsection is repealed July 1, 2023.~~

21 5. ~~The director, the director of the department of human~~
 22 ~~rights, or a designee of the director of the department of~~
 23 ~~human rights~~ shall approve annually all such homes established
 24 and maintained under the provisions of this chapter. A home
 25 shall not be approved unless it complies with minimal rules and
 26 standards adopted by the director and has been inspected by the
 27 department of inspections and appeals. The statewide number
 28 of beds in the homes approved by the director shall not exceed
 29 two hundred seventy-two beds beginning July 1, 2017. ~~This~~
 30 ~~subsection is repealed July 1, 2023.~~

31 6. A juvenile detention home fund is created in the
 32 state treasury under the authority of the department ~~or the~~
 33 ~~department of human rights as the department and the department~~
 34 ~~of human rights agree.~~ The fund shall consist of moneys
 35 deposited in the fund pursuant to section 602.8108. The moneys

1 in the fund shall be used for the costs of the establishment,
2 improvement, operation, and maintenance of county or
3 multicounty juvenile detention homes in accordance with annual
4 appropriations made by the general assembly from the fund for
5 these purposes. ~~This subsection is repealed July 1, 2023.~~

6 Sec. 627. Section 232.147, subsection 2, paragraphs c, e,
7 and j, Code 2023, are amended to read as follows:

8 c. The child's parent, guardian, or custodian, court
9 appointed special advocate, and guardian ad litem, and
10 the members of the child advocacy board created in section
11 237.16 or a local citizen foster care review board created in
12 accordance with section 237.19 who are assigning or reviewing
13 the child's case.

14 e. An agency, individual, association, facility, or
15 institution responsible for the care, treatment, or supervision
16 of the child pursuant to a court order or voluntary placement
17 agreement with the department of human services, juvenile
18 officer, or intake officer.

19 j. The department of human services.

20 Sec. 628. Section 232.147, subsection 3, paragraphs c, e,
21 and h, Code 2023, are amended to read as follows:

22 c. The child's parent, guardian, or custodian, court
23 appointed special advocate, guardian ad litem, and the members
24 of the child advocacy board created in section 237.16 or a
25 local citizen foster care review board created in accordance
26 with section 237.19 who are assigning or reviewing the child's
27 case.

28 e. An agency, individual, association, facility, or
29 institution responsible for the care, treatment, or supervision
30 of the child pursuant to a court order or voluntary placement
31 agreement with the department of human services, juvenile court
32 officer, or intake officer.

33 h. The department of human services.

34 Sec. 629. Section 232.147, subsection 4, paragraphs c, f,
35 and j, Code 2023, are amended to read as follows:

1 *c.* The child's parent, guardian, or custodian, court
2 appointed special advocate, guardian ad litem, and the members
3 of the child advocacy board created in section 237.16 or a
4 local citizen foster care review board created in accordance
5 with section 237.19 who are assigning or reviewing the child's
6 case.

7 *f.* An agency, individual, association, facility, or
8 institution responsible for the care, treatment, or supervision
9 of the child pursuant to a court order or voluntary placement
10 agreement with the department of ~~human services~~, juvenile court
11 officer, or intake officer.

12 *j.* The department of ~~human services~~.

13 Sec. 630. Section 232.147, subsection 7, Code 2023, is
14 amended to read as follows:

15 7. Official juvenile court records enumerated in section
16 232.2, subsection 43, paragraph "e", relating to paternity,
17 support, or the termination of parental rights, shall be
18 disclosed, upon request, to the child support ~~recovery unit~~
19 services without court order.

20 Sec. 631. Section 232.149, subsection 5, paragraph h, Code
21 2023, is amended to read as follows:

22 *h.* The department of ~~human services~~.

23 Sec. 632. Section 232.149A, subsection 3, paragraphs c and
24 e, Code 2023, are amended to read as follows:

25 *c.* The child's parent, guardian, or custodian, court
26 appointed special advocate, and guardian ad litem, and
27 the members of the child advocacy board created in section
28 237.16 or a local citizen foster care review board created in
29 accordance with section 237.19 who are assigning or reviewing
30 the child's case.

31 *e.* An agency, association, facility, or institution which
32 has custody of the child, or is legally responsible for the
33 care, treatment, or supervision of the child, including but not
34 limited to the department of ~~human services~~.

35 Sec. 633. Section 232.158A, subsection 1, unnumbered

1 paragraph 1, Code 2023, is amended to read as follows:

2 Notwithstanding any provision of the interstate compact
3 on the placement of children under section 232.158 to the
4 contrary, the department ~~of human services~~ shall permit the
5 legal risk placement of a child under the interstate compact on
6 the placement of children if the prospective adoptive parent
7 provides a legal risk statement, in writing, acknowledging all
8 of the following:

9 Sec. 634. Section 232.158A, subsection 1, paragraph d, Code
10 2023, is amended to read as follows:

11 *d.* That the prospective adoptive parent assumes full legal,
12 financial, and other risks associated with the legal risk
13 placement and that the prospective adoptive parent agrees
14 to hold the department ~~of human services~~ harmless for any
15 disruption or failure of the placement.

16 Sec. 635. Section 232.160, Code 2023, is amended to read as
17 follows:

18 **232.160 Department of health and human services as public**
19 **authority.**

20 The "*appropriate public authorities*" as used in article III
21 of the interstate compact on the placement of children under
22 section 232.158 shall, with reference to this state, mean the
23 state department of health and human services and ~~said the~~
24 department shall receive and act with reference to notices
25 required by article III of that interstate compact.

26 Sec. 636. Section 232.161, Code 2023, is amended to read as
27 follows:

28 **232.161 Department as authority in receiving state.**

29 As used in paragraph "a" of article V of the interstate
30 compact on the placement of children under section 232.158,
31 the phrase "*appropriate authority in the receiving state*" with
32 reference to this state ~~shall mean~~ means the state department
33 of health and human services.

34 Sec. 637. Section 232.162, Code 2023, is amended to read as
35 follows:

1 **232.162 Authority to enter agreements.**

2 The officers and agencies of this state and its subdivisions
 3 having authority to place children may enter into agreements
 4 with appropriate officers or agencies of or in other party
 5 states pursuant to paragraph "b" of article V of the interstate
 6 compact on the placement of children under section 232.158.
 7 Any such agreement which contains a financial commitment or
 8 imposes a financial obligation on this state or a subdivision
 9 or agency of this state shall not be binding unless it has the
 10 approval in writing of the ~~administrator of child and family~~
 11 ~~services~~ director or the director's designee in the case of the
 12 state and the county general assistance director in the case
 13 of a subdivision of the state.

14 Sec. 638. Section 232.168, Code 2023, is amended to read as
 15 follows:

16 **232.168 Attorney general to enforce.**

17 The attorney general may, on the attorney general's own
 18 initiative, institute any criminal and civil actions and
 19 proceedings under this subchapter, at whatever stage of
 20 placement necessary, to enforce the interstate compact on
 21 the placement of children, including, but not limited to,
 22 seeking enforcement of the provisions of the compact through
 23 the courts of a party state. The department ~~of human services~~
 24 shall cooperate with the attorney general and shall refer any
 25 placement or proposed placement to the attorney general which
 26 may require enforcement measures.

27 Sec. 639. Section 232.171, subsection 4, Code 2023, is
 28 amended to read as follows:

29 **4. Article IV — Return of runaways.**

30 a. (1) That the parent, guardian, or person or agency
 31 entitled to legal custody of a juvenile who has not been
 32 adjudged delinquent but who has run away without the consent
 33 of such parent, guardian, or person or agency may petition
 34 the appropriate court in the demanding state for the issuance
 35 of a requisition for the juvenile's return. The petition

1 shall state the name and age of the juvenile, the name of the
2 petitioner and the basis of entitlement to the juvenile's
3 custody, the circumstances of the juvenile's running away,
4 the juvenile's location if known at the time application
5 is made, and such other facts as may tend to show that the
6 juvenile who has run away is endangering the juvenile's own
7 welfare or the welfare of others and is not an emancipated
8 minor. The petition shall be verified by affidavit, shall
9 be executed in duplicate, and shall be accompanied by two
10 certified copies of the document or documents on which the
11 petitioner's entitlement to the juvenile's custody is based,
12 such as birth certificates, letters of guardianship, or custody
13 decrees. Such further affidavits and other documents as may
14 be deemed proper may be submitted with such petition. The
15 judge of the court to which this application is made may hold a
16 hearing thereon to determine whether for the purposes of this
17 compact the petitioner is entitled to the legal custody of the
18 juvenile, whether or not it appears that the juvenile has in
19 fact run away without consent, whether or not the juvenile is
20 an emancipated minor, and whether or not it is in the best
21 interest of the juvenile to compel the juvenile's return to
22 the state. If the judge determines, either with or without a
23 hearing, that the juvenile should be returned, the judge shall
24 present to the appropriate court or to the executive authority
25 of the state where the juvenile is alleged to be located a
26 written requisition for the return of such juvenile. Such
27 requisition shall set forth the name and age of the juvenile,
28 the determination of the court that the juvenile has run away
29 without the consent of a parent, guardian, or person or agency
30 entitled to the juvenile's legal custody, and that it is in
31 the best interest and for the protection of such juvenile that
32 the juvenile be returned. In the event that a proceeding for
33 the adjudication of the juvenile as a delinquent, neglected or
34 dependent juvenile is pending in the court at the time when
35 such juvenile runs away, the court may issue a requisition for

1 the return of such juvenile upon its own motion, regardless
2 of the consent of the parent, guardian, or person or agency
3 entitled to legal custody, reciting therein the nature and
4 circumstances of the pending proceeding. The requisition shall
5 in every case be executed in duplicate and shall be signed by
6 the judge. One copy of the requisition shall be filed with the
7 compact administrator of the demanding state, there to remain
8 on file subject to the provisions of law governing records
9 of such court. Upon the receipt of a requisition demanding
10 the return of a juvenile who has run away, the court or the
11 executive authority to whom the requisition is addressed shall
12 issue an order to any peace officer or other appropriate person
13 directing the officer or person to take into custody and detain
14 such juvenile. Such detention order must substantially recite
15 the facts necessary to the validity of its issuance hereunder.
16 No juvenile detained upon such order shall be delivered over
17 to the officer whom the court demanding the juvenile shall
18 have appointed to receive the juvenile, unless the juvenile
19 shall first be taken forthwith before a judge of a court in the
20 state, who shall inform the juvenile of the demand made for
21 the juvenile's return, and who may appoint counsel or guardian
22 ad litem for the juvenile. If the judge of such court shall
23 find that the requisition is in order, the judge shall deliver
24 such juvenile over to the officer whom the court demanding the
25 juvenile shall have appointed to receive the juvenile. The
26 judge, however, may fix a reasonable time to be allowed for the
27 purpose of testing the legality of the proceeding.

28 (2) Upon reasonable information that a person is a juvenile
29 who has run away from another state party to this compact
30 without the consent of a parent, guardian, or person or agency
31 entitled to the juvenile's legal custody, such juvenile may be
32 taken into custody without a requisition and brought forthwith
33 before a judge of the appropriate court who may appoint counsel
34 or guardian ad litem for such juvenile and who shall determine
35 after a hearing whether sufficient cause exists to hold the

1 person, subject to the order of the court, for the person's own
2 protection and welfare, for such a time not exceeding ninety
3 days as will enable the person's return to another state party
4 to this compact pursuant to a requisition for the person's
5 return from a court of that state. If, at the time when a
6 state seeks the return of a juvenile who has run away, there is
7 pending in the state wherein the juvenile is found any criminal
8 charge, or any proceeding to have the juvenile adjudicated a
9 delinquent juvenile for an act committed in such state, or
10 if the juvenile is suspected of having committed within such
11 state a criminal offense or an act of juvenile delinquency,
12 the juvenile shall not be returned without the consent of
13 such state until discharged from prosecution or other form of
14 proceeding, imprisonment, detention or supervision for such
15 offense or juvenile delinquency. The duly accredited officers
16 of any state party to this compact, upon the establishment
17 of their authority and the identity of the juvenile being
18 returned, shall be permitted to transport such juvenile through
19 any and all states party to this compact, without interference.
20 Upon the juvenile's return to the state from which the juvenile
21 ran away, the juvenile shall be subject to such further
22 proceedings as may be appropriate under the laws of that state.

23 *b.* That the state to which a juvenile is returned under this
24 article shall be responsible for payment of the transportation
25 costs of such return.

26 *c.* That "*juvenile*" as used in this article means any person
27 who is a minor under the law of the state of residence of the
28 parent, guardian, or person or agency entitled to the legal
29 custody of such minor.

30 Sec. 640. Section 232.171, subsection 7, paragraph a, Code
31 2023, is amended to read as follows:

32 *a.* That the duly constituted judicial and administrative
33 authorities of a state party to this compact, herein called
34 "*sending state*", may permit any delinquent juvenile within
35 such state, placed on probation or parole, to reside in any

1 other state party to this compact, herein called "*receiving*
 2 *state*", while on probation or parole, and the receiving
 3 state shall accept such delinquent juvenile, if the parent,
 4 guardian, or person entitled to the legal custody of such
 5 delinquent juvenile is residing or undertakes to reside
 6 within the receiving state. Before granting such permission,
 7 opportunity shall be given to the receiving state to make such
 8 investigations as it deems necessary. The authorities of the
 9 sending state shall send to the authorities of the receiving
 10 state copies of pertinent court orders, social case studies
 11 and all other available information which may be of value to
 12 and assist the receiving state in supervising a probationer
 13 or parolee under this compact. A receiving state, in its
 14 discretion, may agree to accept supervision of a probationer or
 15 parolee in cases where the parent, guardian, or person entitled
 16 to the legal custody of the delinquent juvenile is not a
 17 resident of the receiving state, and if so accepted the sending
 18 state may transfer supervision accordingly.

19 Sec. 641. Section 232.171, subsection 10, paragraph f, Code
 20 2023, is amended to read as follows:

21 *f.* Provide that the consent of the parent, guardian, or
 22 person or agency entitled to the legal custody of ~~said~~ the
 23 delinquent juvenile shall be secured prior to the juvenile
 24 being sent to another state; and

25 Sec. 642. Section 232.188, Code 2023, is amended to read as
 26 follows:

27 **232.188 Decategorization of child welfare and juvenile**
 28 **justice funding initiative.**

29 1. *Definitions.* For the purposes of this section, unless
 30 the context otherwise requires:

31 *a.* "*Decategorization governance board*" or "*governance*
 32 *board*" means the group that enters into and implements a
 33 decategorization project agreement.

34 *b.* "*Decategorization project*" means the county or counties
 35 that have entered into a decategorization agreement to

1 implement the decategorization initiative in the county or
2 multicounty area covered by the agreement.

3 *c. "Decategorization services funding pool" or "funding pool"*
4 means the funding designated for a decategorization project
5 from all sources.

6 2. *Purpose.* The decategorization of the child welfare and
7 juvenile justice funding initiative is intended to establish
8 a system of delivering human services based upon client needs
9 to replace a system based upon a multitude of categorical
10 programs and funding sources, each with different service
11 definitions and eligibility requirements. The purposes of
12 the decategorization initiative include but are not limited
13 to redirecting child welfare and juvenile justice funding
14 to services which are more preventive, family-centered,
15 and community-based in order to reduce use of restrictive
16 approaches which rely upon institutional, out-of-home, and
17 out-of-community services.

18 3. *Implementation.*

19 *a.* Implementation of the initiative shall be through
20 creation of decategorization projects. A project shall consist
21 of either a single county or a group of counties interested
22 in jointly implementing the initiative. Representatives of
23 the department, juvenile court services, and county government
24 shall develop a project agreement to implement the initiative
25 within a project.

26 *b.* The initiative shall include community planning
27 activities in the area covered by a project. As part of
28 the community planning activities, the department shall
29 partner with other community stakeholders to develop service
30 alternatives that provide less restrictive levels of care for
31 children and families receiving services from the child welfare
32 and juvenile justice systems within the project area.

33 *c.* The decategorization initiative shall not be implemented
34 in a manner that limits the legal rights of children and
35 families to receive services.

1 4. *Governance board.*

2 a. In partnership with an interested county or group of
3 counties which has demonstrated the commitment and involvement
4 of the affected county department, or departments, of human
5 services, the juvenile justice system within the project
6 area, and board, or boards, of supervisors in order to form
7 a decategorization project, the department shall develop
8 a process for combining specific state and state-federal
9 funding categories into a decategorization services funding
10 pool for that project. A decategorization project shall be
11 implemented by a decategorization governance board. The
12 decategorization governance board shall develop specific,
13 quantifiable short-term and long-term plans for enhancing the
14 family-centered and community-based services and reducing
15 reliance upon out-of-community care in the project area.

16 b. The department shall work with the decategorization
17 governance boards to best coordinate planning activities and
18 most effectively target funding resources. ~~A departmental~~
19 ~~service area manager~~ The department shall work with the
20 decategorization governance boards ~~in that service area~~ to
21 support board planning and service development activities and
22 to promote the most effective alignment of resources.

23 c. A decategorization governance board shall coordinate
24 the project's planning and budgeting activities with the
25 ~~departmental service area manager~~ department's designee for the
26 county or counties comprising the project area and the early
27 childhood Iowa area board or boards for the early childhood
28 Iowa area or areas within which the decategorization project
29 is located.

30 5. *Funding pool.*

31 a. The governance board for a decategorization project has
32 authority over the project's decategorization services funding
33 pool and shall manage the pool to provide more flexible,
34 individualized, family-centered, preventive, community-based,
35 comprehensive, and coordinated service systems for children and

1 families served in that project area. A funding pool shall
2 also be used for child welfare and juvenile justice systems
3 enhancements.

4 **b.** Notwithstanding section 8.33, moneys designated for a
5 project's decategorization services funding pool that remain
6 unencumbered or unobligated at the close of the fiscal year
7 shall not revert but shall remain available for expenditure as
8 directed by the project's governance board for child welfare
9 and juvenile justice systems enhancements and other purposes
10 of the project for the next three succeeding fiscal years.
11 Such moneys shall be known as "*carryover funding*". Moneys may
12 be made available to a funding pool from one or more of the
13 following sources:

14 (1) Funds designated for the initiative in a state
15 appropriation.

16 (2) Child welfare and juvenile justice services funds
17 designated for the initiative by ~~a departmental service area~~
18 ~~manager~~ the department.

19 (3) Juvenile justice program funds designated for the
20 initiative by a chief juvenile court officer.

21 (4) Carryover funding.

22 (5) Any other source designating moneys for the funding
23 pool.

24 **c.** The services and activities funded from a project's
25 funding pool may vary depending upon the strategies selected
26 by the project's governance board and shall be detailed in an
27 annual child welfare and juvenile justice decategorization
28 services plan developed by the governance board. A
29 decategorization governance board shall involve community
30 representatives and county organizations in the development of
31 the plan for that project's funding pool. In addition, the
32 governance board shall coordinate efforts through communication
33 with the ~~appropriate departmental service area manager~~
34 department regarding budget planning and decategorization
35 service decisions.

1 *d.* A decategorization governance board is responsible for
 2 ensuring that decategorization services expenditures from that
 3 project's funding pool do not exceed the amount of funding
 4 available. If necessary, the governance board shall reduce
 5 expenditures or discontinue specific services as necessary to
 6 manage within the funding pool resources available for a fiscal
 7 year.

8 *e.* The annual child welfare and juvenile justice
 9 decategorization services plan developed for use of the funding
 10 pool by a decategorization governance board shall be submitted
 11 to the department ~~administrator of child welfare services~~
 12 and the early childhood Iowa state board. In addition, the
 13 decategorization governance board shall submit an annual
 14 progress report to the department ~~administrator~~ and the early
 15 childhood Iowa state board which summarizes the progress made
 16 toward attaining the objectives contained in the plan. The
 17 progress report shall serve as an opportunity for information
 18 sharing and feedback.

19 6. *Departmental role.* A The departmental ~~service area's~~
 20 share of the child welfare appropriation that is not allocated
 21 by law for the decategorization initiative shall be managed
 22 by and is under the authority of the ~~service area manager~~
 23 department. A ~~service area manager~~ The department is
 24 responsible for meeting the child welfare service needs ~~in the~~
 25 ~~counties comprising the service area~~ with the available funding
 26 resources.

27 Sec. 643. Section 232.189, unnumbered paragraph 1, Code
 28 2023, is amended to read as follows:

29 Based upon a model reasonable efforts family court
 30 initiative, the director ~~of human services~~ and the chief
 31 justice of the supreme court or their designees shall jointly
 32 establish and implement a statewide protocol for reasonable
 33 efforts, as defined in section 232.102. In addition, the
 34 director and the chief justice shall design and implement
 35 a system for judicial and departmental reasonable efforts

1 education for deployment throughout the state. The system for
2 reasonable efforts education shall be developed in a manner
3 which addresses the particular needs of rural areas and shall
4 include but is not limited to all of the following topics:

5 Sec. 644. Section 232B.3, Code 2023, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 3A. "*Department*" means the department of
8 health and human services.

9 NEW SUBSECTION. 3B. "*Director*" means the director of health
10 and human services.

11 Sec. 645. Section 232B.9, subsections 8 and 9, Code 2023,
12 are amended to read as follows:

13 8. A record of each foster care placement, emergency
14 removal, preadoptive placement, or adoptive placement of an
15 Indian child, under the laws of this state, shall be maintained
16 in perpetuity by the department of ~~human services~~ in accordance
17 with section 232B.13. The record shall document the active
18 efforts to comply with the applicable order of preference
19 specified in this section.

20 9. The state of Iowa recognizes the authority of Indian
21 tribes to license foster homes and to license agencies to
22 receive children for control, care, and maintenance outside
23 of the children's own homes, or to place, receive, arrange
24 the placement of, or assist in the placement of children for
25 foster care or adoption. The department of ~~human services~~ and
26 child-placing agencies licensed under chapter 238 may place
27 children in foster homes and facilities licensed by an Indian
28 tribe.

29 Sec. 646. Section 232B.11, subsections 1 and 2, Code 2023,
30 are amended to read as follows:

31 1. The director of ~~human services~~ or the director's designee
32 shall make a good faith effort to enter into agreements
33 with Indian tribes regarding jurisdiction over child custody
34 proceedings and the care and custody of Indian children whose
35 tribes have land within Iowa, including but not limited to

1 the Sac and Fox tribe, the Omaha tribe, the Ponca tribe, and
2 the Winnebago tribe, and whose tribes have an Indian child
3 who resides in the state of Iowa. An agreement shall seek to
4 promote the continued existence and integrity of the Indian
5 tribe as a political entity and the vital interest of Indian
6 children in securing and maintaining a political, cultural,
7 and social relationship with their tribes. An agreement
8 shall assure that tribal services and Indian organizations
9 or agencies are used to the greatest extent practicable in
10 planning and implementing any action pursuant to the agreement
11 concerning the care and custody of Indian children. If tribal
12 services are not available, an agreement shall assure that
13 community services and resources developed specifically for
14 Indian families will be used.

15 2. If an agreement entered into between the tribe and the
16 department of ~~human services~~ pertaining to the funding of
17 foster care placements for Indian children conflicts with any
18 federal or state law, the state in a timely, good faith manner
19 shall agree to amend the agreement in a way that prevents any
20 interruption of services to eligible Indian children.

21 Sec. 647. Section 232B.12, Code 2023, is amended to read as
22 follows:

23 **232B.12 Payment of foster care expenses.**

24 1. If the department of ~~human services~~ has legal custody
25 of an Indian child and that child is placed in foster care
26 according to the placement preferences under section 232B.9
27 the state shall pay, subject to any applicable federal funding
28 limitations and requirements, the cost of the foster care in
29 the manner and to the same extent the state pays for foster
30 care of non-Indian children, including the administrative and
31 training costs associated with the placement. In addition,
32 the state shall pay the other costs related to the foster care
33 placement of an Indian child as may be provided for in an
34 agreement entered into between a tribe and the state.

35 2. The department of ~~human services~~ may, subject to any

1 applicable federal funding limitations and requirements and
2 within funds appropriated for foster care services, purchase
3 care for Indian children who are in the custody of a federally
4 recognized Indian tribe or tribally licensed child-placing
5 agency pursuant to parental consent, tribal court order, or
6 state court order; and the purchase of the care is subject to
7 the same eligibility standards and rates of support applicable
8 to other children for whom the department purchases care.

9 Sec. 648. Section 232B.13, subsections 1, 3, 4, and 5, Code
10 2023, are amended to read as follows:

11 1. The department ~~of human services~~ shall establish an
12 automated database where a permanent record shall be maintained
13 of every involuntary or voluntary foster care, preadoptive
14 placement, or adoptive placement of an Indian child that is
15 ordered by a court of this state and in which the department
16 was involved. The automated record shall document the active
17 efforts made to comply with the order of placement preference
18 specified in section 232B.9. An Indian child's placement
19 record shall be maintained in perpetuity by the department
20 ~~of human services~~ and shall include but is not limited to
21 the name, birthdate, and gender of the Indian child, and the
22 location of the local department office that maintains the
23 original file and documents containing the information listed
24 in subsection 2.

25 3. If a court orders the foster care, preadoptive placement,
26 or adoptive placement of an Indian child, the court and any
27 state-licensed child-placing agency involved in the placement
28 shall provide the department ~~of human services~~ with the records
29 described in subsections 1 and 2.

30 4. A record maintained pursuant to this section by the
31 department ~~of human services~~, a county department of human
32 services, state-licensed child-placing agency, private
33 attorney, or medical facility shall be made available within
34 seven days of a request for the record by the Indian child's
35 tribe or the secretary of the interior.

1 5. Upon the request of an Indian individual who is eighteen
2 years of age or older, or upon the request of an Indian
3 child's parent, Indian custodian, attorney, guardian ad litem,
4 guardian, legal custodian, or caseworker of the Indian child,
5 the department ~~of human services~~, a county department of
6 human services, state-licensed child-placing agency, private
7 attorney, or medical facility shall provide access to the
8 records pertaining to the Indian individual or child maintained
9 pursuant to this section. The records shall also be made
10 available upon the request of the descendants of the Indian
11 individual or child. A record shall be made available within
12 seven days of a request for the record by any person authorized
13 by this subsection to make the request.

14 Sec. 649. Section 232B.14, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. The department ~~of human services~~, in consultation
17 with Indian tribes, shall establish standards and procedures
18 for the department's review of cases subject to this chapter
19 and methods for monitoring the department's compliance with
20 provisions of the federal Indian Child Welfare Act and this
21 chapter. These standards and procedures and the monitoring
22 methods shall be integrated into the department's structure
23 and plan for the federal government's child and family service
24 review process and any program improvement plan resulting from
25 that process.

26 Sec. 650. Section 232C.2, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. Prior to an emancipation hearing held pursuant to
29 section 232C.1, the court, on its own motion, may stay the
30 proceedings, and refer the parties to mediation or request
31 that the department of health and human services investigate
32 any allegations of child abuse or neglect contained in the
33 petition, and order that a written report be prepared and filed
34 by the department.

35 Sec. 651. Section 232C.4, subsection 6, Code 2023, is

1 amended to read as follows:

2 6. A parent who is absolved of child support obligations
3 pursuant to an emancipation order shall notify ~~the~~ child
4 support ~~recovery unit~~ services of the department of health and
5 human services of the emancipation.

6 Sec. 652. Section 232D.204, subsection 4, Code 2023, is
7 amended to read as follows:

8 4. A proceeding under this section shall not create a new
9 eligibility category for the department of health and human
10 services protective services.

11 Sec. 653. Section 232D.307, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. The judicial branch in conjunction with the department
14 of public safety, the department of health and human services,
15 and the state chief information officer shall establish
16 procedures for electronic access to the single contact
17 repository necessary to conduct background checks requested
18 under subsection 1.

19 Sec. 654. Section 233.2, subsection 2, paragraphs c and d,
20 Code 2023, are amended to read as follows:

21 c. If the physical custody of the newborn infant is
22 relinquished at an institutional health facility, the state
23 shall reimburse the institutional health facility for the
24 institutional health facility's actual expenses in providing
25 care to the newborn infant and in performing acts necessary to
26 protect the physical health or safety of the newborn infant.
27 The reimbursement shall be paid from moneys appropriated for
28 this purpose to the department of health and human services.

29 d. If the name of the parent is unknown to the institutional
30 health facility, the individual on duty or other person
31 designated by the institutional health facility at which
32 physical custody of the newborn infant was relinquished shall
33 submit the certificate of birth report as required pursuant to
34 section 144.14. If the name of the parent is disclosed to the
35 institutional health facility, the facility shall submit the

1 certificate of birth report as required pursuant to section
2 144.13. The department of ~~public health~~ and human services
3 shall not file the certificate of birth with the county of
4 birth and shall otherwise maintain the confidentiality of the
5 birth certificate in accordance with section 144.43.

6 Sec. 655. Section 233.2, subsection 3, Code 2023, is amended
7 to read as follows:

8 3. As soon as possible after the individual on duty or first
9 responder assumes physical custody of a newborn infant released
10 under subsection 1, the individual or first responder shall
11 notify the department of health and human services and the
12 department shall take the actions necessary to assume the care,
13 control, and custody of the newborn infant. The department
14 shall immediately notify the juvenile court and the county
15 attorney of the department's action and the circumstances
16 surrounding the action and request an ex parte order from the
17 juvenile court ordering, in accordance with the requirements of
18 section 232.78, the department to take custody of the newborn
19 infant. Upon receiving the order, the department shall take
20 custody of the newborn infant. Within twenty-four hours of
21 taking custody of the newborn infant, the department shall
22 notify the juvenile court and the county attorney in writing
23 of the department's action and the circumstances surrounding
24 the action.

25 Sec. 656. Section 233.6, unnumbered paragraph 1, Code 2023,
26 is amended to read as follows:

27 The department of health and human services, in consultation
28 with the ~~Iowa department of public health and the department of~~
29 justice, shall develop and distribute the following:

30 Sec. 657. Section 233A.1, Code 2023, is amended to read as
31 follows:

32 **233A.1 State training school — Eldora.**

33 1. Effective January 1, 1992, a diagnosis and evaluation
34 center and other units are established at the state training
35 school to provide court-committed male juvenile delinquents a

1 program which focuses upon appropriate developmental skills,
2 treatment, placements, and rehabilitation.

3 2. The diagnosis and evaluation center which is used to
4 identify appropriate treatment and placement alternatives for
5 juveniles and any other units for juvenile delinquents which
6 are located at Eldora shall be known as the "*state training*
7 *school*".

8 3. For the purposes of this chapter ~~"director"~~:

9 a. "*Department*" means the department of health and human
10 services.

11 b. "*Director*" means the director of health and human
12 services and ~~"superintendent"~~.

13 c. "*State training school*" means the diagnosis and
14 evaluation center which is used to identify appropriate
15 treatment and placement alternatives for juveniles and any
16 other units for juvenile delinquents which are located at
17 Eldora.

18 d. "*Superintendent*" means the administrator in charge of the
19 diagnosis and evaluation center for juvenile delinquents and
20 other units at the state training school.

21 ~~3.~~ 4. The number of children present at any one time at
22 the state training school shall not exceed the population
23 guidelines established under 1990 Iowa Acts, ch. 1239, §21, as
24 adjusted for subsequent changes in the capacity at the training
25 school.

26 Sec. 658. Section 233A.3, Code 2023, is amended to read as
27 follows:

28 **233A.3 Salary.**

29 The salary of the superintendent of the state training
30 school shall be determined by the ~~administrator~~ director.

31 Sec. 659. Section 233A.6, Code 2023, is amended to read as
32 follows:

33 **233A.6 Visits.**

34 Members of the executive council, the attorney general,
35 the lieutenant governor, members of the general assembly,

1 judges of the supreme and district court and court of appeals,
 2 magistrates, county attorneys, and persons ordained or
 3 designated as regular leaders of a religious community are
 4 ~~authorized to~~ may visit the state training school at reasonable
 5 times. No other person shall be granted admission except by
 6 permission of the superintendent.

7 Sec. 660. Section 233A.7, Code 2023, is amended to read as
 8 follows:

9 **233A.7 Placing in families.**

10 All children committed to and received in the state training
 11 school may be placed by the department under foster care
 12 arrangements, with any persons or in families of good standing
 13 and character where ~~they~~ the children will be properly cared
 14 for and educated. The cost of foster care provided under these
 15 arrangements shall be paid as provided in section 234.35.

16 Sec. 661. Section 233A.8, Code 2023, is amended to read as
 17 follows:

18 **233A.8 Articles of agreement.**

19 ~~Such children shall be so~~ A child placed in foster care as
 20 provided in section 233A.7 shall be placed under articles of
 21 agreement, approved by the ~~administrator~~ director and signed
 22 by the person or persons ~~taking them~~ providing foster care and
 23 by the superintendent. ~~Said~~ The articles of agreement shall
 24 provide for the custody, care, education, maintenance, and
 25 earnings of ~~said children~~ the child for a time ~~to be fixed~~
 26 specified in said the articles, which shall not extend beyond
 27 the time ~~when the persons bound shall attain the~~ child attains
 28 ~~age of~~ eighteen years of age.

29 Sec. 662. Section 233A.9, Code 2023, is amended to read as
 30 follows:

31 **233A.9 Resuming custody of child.**

32 ~~In case~~ If a child ~~so placed be~~ in foster care as provided
 33 in section 233A.7 is not given the care, education, treatment,
 34 and maintenance required by ~~such~~ the articles of agreement, the
 35 ~~administrator~~ director may ~~cause the child to be taken from~~

1 ~~the person with whom placed and returned~~ return the child to
2 ~~the institution~~ state training school, ~~or may replace place~~
3 ~~the child in a different foster care placement, or release, or~~
4 finally discharge the child ~~as may seem best~~.

5 Sec. 663. Section 233A.10, Code 2023, is amended to read as
6 follows:

7 **233A.10 Unlawful interference.**

8 It shall be unlawful for any parent or other person not
9 a party to ~~such~~ the placing of a child in foster care to
10 interfere in any manner or assume or exercise any control over
11 ~~such~~ the child or the child's earnings. ~~Said~~ The child's
12 earnings shall be used, held, or otherwise applied for the
13 exclusive benefit of ~~such~~ the child, in accordance with section
14 234.37.

15 Sec. 664. Section 233A.11, Code 2023, is amended to read as
16 follows:

17 **233A.11 County attorney to appear for child.**

18 In case legal proceedings are necessary to enforce any
19 right conferred on any child by sections 233A.7 through
20 233A.10, the county attorney of the county in which such
21 proceedings should be instituted shall, on the request of the
22 superintendent, ~~approved by~~ subject to the approval of the
23 ~~administrator~~ director, institute and carry on, ~~in the name of~~
24 ~~the superintendent,~~ out the proceedings ~~in~~ on behalf of the
25 superintendent.

26 Sec. 665. Section 233A.12, Code 2023, is amended to read as
27 follows:

28 **233A.12 Discharge or parole.**

29 The ~~administrator~~ director may at any time after one year's
30 service order the discharge or parole of any inmate as a reward
31 for good conduct, and may, in exceptional cases, discharge or
32 parole inmates without regard to the length of their service
33 or conduct, when satisfied that the reasons ~~therefor~~ for the
34 discharge or parole are urgent and sufficient. If paroled upon
35 satisfactory evidence of reformation, the order may remain in

1 effect or terminate under ~~such rules as the administrator may~~
2 prescribe prescribed by the director.

3 Sec. 666. Section 233A.13, Code 2023, is amended to read as
4 follows:

5 **233A.13 ~~Binding out or discharge~~ Discharge.**

6 The ~~binding out or the~~ discharge of an inmate as reformed, or
7 having arrived at the ~~age of~~ eighteen years of age, shall be a
8 complete release from all penalties incurred by the conviction
9 for the offense upon which the child was committed to the
10 school.

11 Sec. 667. Section 233A.14, Code 2023, is amended to read as
12 follows:

13 **233A.14 Transfers to other institutions.**

14 The ~~administrator~~ director may transfer minor wards of
15 the state to the state training school ~~minor wards of the~~
16 ~~state~~ from any institution under the ~~administrator's charge~~
17 director's control, but ~~no~~ a person shall not be ~~so~~ transferred
18 who ~~is mentally ill or~~ has a mental illness or an intellectual
19 disability. Any child in the state training school who ~~is~~
20 ~~mentally ill~~ has a mental illness or ~~has~~ an intellectual
21 disability may be transferred by the ~~administrator~~ director to
22 the proper state institution.

23 Sec. 668. Section 233A.15, Code 2023, is amended to read as
24 follows:

25 **233A.15 Transfers to work in parks.**

26 1. The ~~administrator~~ director may ~~detail~~ assign children,
27 ~~classed as~~ from the state training school deemed trustworthy,
28 ~~from the state training school,~~ to perform services for the
29 department of natural resources within the state parks, state
30 game and forest areas, and other lands under the jurisdiction
31 of the department of natural resources. The department of
32 natural resources shall provide permanent housing and work
33 guidance supervision, but the care and custody of the children
34 ~~so detailed~~ assigned shall remain ~~under employees of the~~
35 ~~division of child and family services of~~ with the department of

1 ~~human services.~~ All such programs shall have as their primary
2 purpose and shall provide for inculcation or the activation of
3 attitudes, skills, and habit patterns which will be conducive
4 to the habilitation of the ~~youths~~ children involved.

5 2. The ~~administrator is hereby authorized to~~ director
6 may use state-owned mobile housing equipment and facilities
7 in performing services at temporary locations in the areas
8 described in subsection 1.

9 Sec. 669. Section 234.1, Code 2023, is amended to read as
10 follows:

11 **234.1 Definitions.**

12 As used in this chapter, unless the context otherwise
13 requires:

14 1. ~~"Administrator" means the administrator of the division.~~

15 2. 1. "Child" means either a person less than eighteen
16 years of age or a person eighteen, nineteen, or twenty years of
17 age who meets all of the following conditions:

18 a. The person was placed by court order issued pursuant
19 to chapter 232 in foster care or in an institution listed in
20 section 218.1 and either of the following situations apply to
21 the person:

22 (1) After reaching eighteen years of age, the person
23 has remained continuously and voluntarily under the care
24 of an individual, as defined in section 237.1, licensed to
25 provide foster care pursuant to chapter 237 or in a supervised
26 apartment living arrangement, in this state.

27 (2) The person aged out of foster care after reaching
28 eighteen years of age and subsequently voluntarily applied for
29 placement with an individual, as defined in section 237.1,
30 licensed to provide foster care pursuant to chapter 237 or for
31 placement in a supervised apartment living arrangement, in this
32 state.

33 b. The person has demonstrated a willingness to participate
34 in case planning and to complete the responsibilities
35 prescribed in the person's case permanency plan.

1 c. The department has made an application for the person
2 for adult services upon a determination that it is likely the
3 person will need or be eligible for services or other support
4 from the adult services system.

5 ~~3. "Division" or "state division" means that division of the~~
6 ~~department of human services to which the director has assigned~~
7 ~~responsibility for income and service programs.~~

8 ~~4. "Food assistance program" means the benefits provided~~
9 ~~through the United States department of agriculture program~~
10 ~~administered by the department of human services in accordance~~
11 ~~with 7 C.F.R. pts. 270 — 283.~~

12 2. "Council" means the council on health and human services.

13 3. "Department" means the department of health and human
14 services.

15 4. "Director" means the director of health and human
16 services.

17 5. "Food programs" means the food stamp supplemental
18 nutrition assistance program and donated foods programs
19 authorized by federal law under the United States department
20 of agriculture.

21 6. "Supplemental nutrition assistance program" or "SNAP"
22 means benefits provided by the federal program administered
23 through 7 C.F.R. pts. 270 — 280, as amended.

24 Sec. 670. Section 234.4, Code 2023, is amended to read as
25 follows:

26 **234.4 Education of children in departmental programs.**

27 If the department of human services has custody or has other
28 responsibility for a child based upon the child's involvement
29 in a departmental program involving foster care, preadoption or
30 adoption, or subsidized guardianship placement and the child
31 is subject to the compulsory attendance law under chapter 299,
32 the department shall fulfill the responsibilities outlined in
33 section 299.1 and other responsibilities under federal and
34 state law regarding the child's school attendance. As part
35 of fulfilling the responsibilities described in this section,

1 if the department has custody or other responsibility for
 2 placement and care of a child and the child transfers to a
 3 different school during or immediately preceding the period of
 4 custody or other responsibility, within the first six weeks of
 5 the transfer date the department shall assess the student's
 6 degree of success in adjusting to the different school.

7 Sec. 671. Section 234.6, Code 2023, is amended to read as
 8 follows:

9 **234.6 Powers and duties of the administrator director.**

10 1. The ~~administrator shall be vested with the authority~~
 11 ~~to~~ director shall administer the family investment program,
 12 state supplementary assistance, food programs, child welfare,
 13 and emergency relief, family and adult service programs, and
 14 any other form of public welfare assistance and institutions
 15 that are placed under the ~~administrator's~~ director's
 16 administration. The ~~administrator~~ director shall perform
 17 duties, ~~shall~~ formulate and adopt rules as ~~may be~~ necessary,
 18 and ~~shall~~ outline policies, dictate procedure, and delegate
 19 ~~such~~ powers as ~~may be~~ necessary for competent and efficient
 20 administration. Subject to restrictions that may be imposed
 21 by the ~~director of human services and the council on human~~
 22 ~~services~~, the ~~administrator~~ director may abolish, alter,
 23 consolidate, or establish ~~subdivisions~~ subunits and ~~may~~ abolish
 24 or change ~~offices previously created~~ existing subunits. The
 25 ~~administrator~~ director may employ necessary personnel and
 26 ~~fix~~ determine their compensation; may allocate or reallocate
 27 functions and duties among ~~any subdivisions now existing or~~
 28 ~~later established~~ subunits; and may adopt rules relating to the
 29 employment of personnel and the allocation of their functions
 30 and duties among the various ~~subdivisions~~ subunits as required
 31 for competent and efficient administration ~~may require~~. The
 32 ~~administrator~~ director shall do all of the following:
 33 a. Cooperate with the social security administration created
 34 by the Social Security Act and codified at 42 U.S.C. §901,
 35 or other agency of the federal government for public welfare

1 assistance, in such reasonable manner as may be necessary to
 2 qualify for federal aid, including the making of such reports
 3 in such form and containing such information as the social
 4 security administration, from time to time, may require,
 5 and to comply with such regulations as such social security
 6 administration, from time to time, may find necessary to assure
 7 the correctness and verification of such reports.

8 **b.** Furnish information to acquaint the public generally
 9 with the operation of the federal Acts under the director's
 10 ~~jurisdiction of the administrator.~~

11 **c.** With the approval of the ~~director of human services,~~
 12 the governor, the director of the department of management,
 13 and the director of the department of administrative services,
 14 ~~set up~~ establish an administrative fund from the funds under
 15 the ~~administrator's~~ director's control and management an
 16 ~~administrative fund~~ and from the administrative fund pay the
 17 expenses of operating the ~~division~~ department's duties under
 18 this chapter.

19 **d.** Notwithstanding any provisions to the contrary in chapter
 20 239B relating to the consideration of income and resources
 21 of claimants for assistance, ~~the administrator, and~~ with the
 22 consent and approval of the ~~director of human services and~~
 23 the council on human services, ~~shall make such~~ adopt rules as
 24 ~~may be necessary to qualify for federal aid in the assistance~~
 25 programs administered by the ~~administrator~~ director.

26 **e.** ~~Have authority to use~~ Use funds available to the
 27 department, subject to any limitations placed on the use
 28 ~~thereof of the funds~~ by the legislation appropriating the
 29 funds, to provide to or purchase, for eligible families and
 30 individuals ~~eligible therefor,~~ services including but not
 31 limited to the following:

32 (1) Child care for children or adult day services, in
 33 facilities which are licensed or are approved as meeting
 34 standards for licensure.

35 (2) Foster care, including foster family care, group homes,

1 and institutions.

2 (3) Family-centered services, as defined in section
3 232.102A, subsection 1, paragraph "b".

4 (4) Family planning.

5 (5) Protective services.

6 (6) Services or support provided to a child with an
7 intellectual disability or other developmental disability or
8 to the child's family.

9 (7) Transportation services.

10 (8) Any services, not otherwise enumerated in this
11 paragraph "e", authorized by or pursuant to the United States
12 Social Security Act of 1934, as amended.

13 f. Administer the food programs authorized by federal law,
14 and recommend rules necessary in the administration of those
15 programs ~~to the director~~ for adoption pursuant to chapter 17A.

16 g. Provide consulting and technical services to the director
17 of the department of education, or the director's designee,
18 upon request, relating to prekindergarten, kindergarten, and
19 before and after school programming and facilities.

20 h. Recommend rules for their adoption by the council ~~on~~
21 ~~human services~~ for before and after school child care programs,
22 conducted within and by or contracted for by school districts,
23 that are appropriate for the ages of the children who receive
24 services under the programs.

25 2. The department ~~of human services shall have the power~~
26 ~~and authority to~~ may use the funds available ~~to it~~, to purchase
27 services of all kinds from public or private agencies to
28 provide for the needs of children, including but not limited to
29 psychiatric services, supervision, specialized group, foster
30 homes, and institutional care.

31 3. In determining the reimbursement rate for services
32 purchased by the department ~~of human services~~ from a person
33 or agency, the department shall not include private moneys
34 contributed to the person or agency unless the moneys are
35 contributed for services provided to a specific individual.

1 Sec. 672. Section 234.7, Code 2023, is amended to read as
2 follows:

3 **234.7 Department duties.**

4 1. The department ~~of human services~~ shall comply with the
5 provision associated with child foster care licensees under
6 chapter 237 that requires that a child's foster parent be
7 included in, and be provided timely notice of, planning and
8 review activities associated with the child, including but not
9 limited to permanency planning and placement review meetings,
10 which shall include discussion of the child's rehabilitative
11 treatment needs.

12 2. *a.* The department ~~of human services~~ shall submit a
13 waiver request to the United States department of health and
14 human services as necessary to provide coverage under the
15 medical assistance program for children who are described by
16 both of the following:

17 (1) The child needs behavioral health care services and
18 qualifies for the care level provided by a psychiatric medical
19 institution for children licensed under chapter 135H.

20 (2) The child is in need of treatment to cure or alleviate
21 serious mental illness or disorder, or emotional damage
22 as evidenced by severe anxiety, depression, withdrawal, or
23 untoward aggressive behavior toward self or others and whose
24 parent, guardian, or custodian is unable to provide such
25 treatment.

26 *b.* The waiver request shall provide for appropriately
27 addressing the needs of children described in paragraph "a" by
28 implementing any of the following options: using a wraparound
29 services approach, renegotiating the medical assistance program
30 contract provisions for behavioral health services, or applying
31 another approach for appropriately meeting the children's
32 needs.

33 *c.* If federal approval of the waiver request is not
34 received, the department shall submit options to the governor
35 and general assembly to meet the needs of such children through

1 a state-funded program.

2 Sec. 673. Section 234.8, Code 2023, is amended to read as
3 follows:

4 **234.8 Fees for child welfare services.**

5 The department ~~of human services~~ may charge a fee for
6 child welfare services to a person liable for the cost of the
7 services. The fee shall not exceed the reasonable cost of the
8 services. The fee shall be based upon the person's ability
9 to pay and consideration of the fee's impact upon the liable
10 person's family and the goals identified in the case permanency
11 plan. The department may assess the liable person for the fee
12 and the means of recovery shall include a setoff against an
13 amount owed by a state agency to the person assessed pursuant
14 to section 8A.504. In addition the department may establish
15 an administrative process to recover the assessment through
16 automatic income withholding. The department shall adopt
17 rules pursuant to chapter 17A to implement the provisions of
18 this section. This section does not apply to court-ordered
19 services provided to juveniles which are a charge upon the
20 state pursuant to section 232.141 and services for which the
21 department has established a support obligation pursuant to
22 section 234.39.

23 Sec. 674. Section 234.12, Code 2023, is amended to read as
24 follows:

25 **234.12 Department to provide food programs.**

26 1. The department ~~of human services is authorized to~~
27 may enter into ~~such~~ agreements with agencies of the federal
28 government as ~~are necessary in order~~ to make available to the
29 people of this state any federal food programs which may, under
30 federal laws and regulations, be implemented in this state.
31 Each ~~such~~ program shall be implemented in every county in the
32 state, or in each county where implementation is permitted by
33 federal laws and regulations.

34 2. The provisions of the federal Personal Responsibility
35 and Work Opportunity Reconciliation Act of 1996, Pub. L.

1 No. 104-193, §115, shall not apply to an applicant for or
 2 recipient of ~~food-stamp~~ supplemental nutrition assistance
 3 program benefits in this state. However, the department of
 4 ~~human-services~~ may apply contingent eligibility requirements as
 5 provided under state law and allowed under federal law.

6 3. Upon request by the department of ~~human-services~~,
 7 the department of inspections and appeals shall conduct
 8 investigations into possible fraudulent practices, as described
 9 in section 234.13, relating to food programs administered by
 10 the department of ~~human-services~~.

11 Sec. 675. Section 234.12A, Code 2023, is amended to read as
 12 follows:

13 **234.12A Electronic benefits transfer program.**

14 1. The department of ~~human-services~~ shall maintain an
 15 electronic benefits transfer program utilizing electronic funds
 16 transfer systems for the ~~food~~ supplemental nutrition assistance
 17 program. The electronic benefits transfer program implemented
 18 under this section shall not require a retailer to make cash
 19 disbursements or to provide, purchase, or upgrade electronic
 20 funds transfer system equipment as a condition of participation
 21 in the program.

22 2. A point-of-sale terminal which is used only for purchases
 23 from a retailer by electronic benefits transfer utilizing
 24 electronic funds transfer systems is not a satellite terminal
 25 as defined in section 527.2.

26 3. For the purposes of this section, "*retailer*" means
 27 a business authorized by the United States department of
 28 agriculture to accept ~~food~~ supplemental nutrition assistance
 29 program benefits.

30 Sec. 676. Section 234.13, Code 2023, is amended to read as
 31 follows:

32 **234.13 Fraudulent practices relating to food programs.**

33 For the purposes of this section, unless the context
 34 otherwise requires, "*benefit transfer instrument*" means a
 35 ~~food-stamp~~ supplemental nutrition assistance program coupon,

1 authorization-to-purchase card, or electronic benefits transfer
2 card. A person commits a fraudulent practice if that person
3 does any of the following:

4 1. With intent to gain financial assistance to which that
5 person is not entitled, knowingly makes or causes to be made a
6 false statement or representation or knowingly fails to report
7 to an employee of the department ~~of human services~~ any change
8 in income, resources or other circumstances affecting that
9 person's entitlement to such financial assistance.

10 2. As a beneficiary of the food programs, transfers any
11 ~~food stamp~~ supplemental nutrition assistance program benefit
12 transfer instrument to any other individual with intent that
13 the benefit transfer instrument be used for the benefit of
14 someone other than persons within the beneficiary's ~~food~~
15 ~~stamp~~ supplemental nutrition assistance program household as
16 certified by the department ~~of human services~~.

17 3. Knowingly acquires, uses or attempts to use any ~~food~~
18 ~~stamp~~ supplemental nutrition assistance program benefit
19 transfer instrument which was not issued for the benefit of
20 that person's ~~food stamp~~ supplemental nutrition assistance
21 program household by the department ~~of human services~~, or by an
22 agency administering food programs in another state.

23 4. Acquires, alters, transfers, or redeems a ~~food stamp~~
24 supplemental nutrition assistance benefit transfer instrument
25 or possesses a benefit transfer instrument, knowing that the
26 benefit transfer instrument has been received, transferred,
27 or used in violation of this section or the provisions of the
28 federal ~~food stamp~~ supplemental nutrition assistance program
29 under 7 U.S.C. ch. 51 or the federal regulations issued
30 pursuant to that chapter.

31 Sec. 677. Section 234.14, Code 2023, is amended to read as
32 follows:

33 **234.14 Federal grants.**

34 The state treasurer ~~is hereby authorized to~~ may receive such
35 federal funds ~~as may be~~ made available for carrying out any of

1 the activities and functions of the ~~state-division~~ department
2 under this chapter, and all such funds are ~~hereby~~ appropriated
3 for expenditure upon authorization of the ~~administrator~~
4 director.

5 Sec. 678. Section 234.21, Code 2023, is amended to read as
6 follows:

7 **234.21 Services to be offered.**

8 The ~~state-division~~ department may offer, provide to,
9 or purchase family planning and birth control services ~~to~~
10 for every ~~person who is an~~ eligible applicant or recipient
11 of ~~service~~ services or any financial assistance from the
12 department ~~of human services~~, or who is receiving federal
13 supplementary security income as defined in section 249.1.

14 Sec. 679. Section 234.22, Code 2023, is amended to read as
15 follows:

16 **234.22 Extent of services.**

17 ~~Such~~ The family planning and birth control services
18 may include ~~interview~~ interviews with trained personnel;
19 distribution of literature; referral to a licensed physician
20 or physician assistant for consultation, examination, tests,
21 medical treatment, and ~~prescription~~ prescriptions; and, to
22 the extent so prescribed, the distribution of rhythm charts,
23 drugs, medical preparations, contraceptive devices, and similar
24 products.

25 Sec. 680. Section 234.23, Code 2023, is amended to read as
26 follows:

27 **234.23 Charge for services.**

28 In making provision for and offering such services, the
29 ~~state-division~~ department may charge ~~those~~ persons to whom
30 family planning and birth control services are rendered a fee
31 sufficient to reimburse the ~~state-division~~ department all or
32 any portion of the costs of the services rendered.

33 Sec. 681. Section 234.35, Code 2023, is amended to read as
34 follows:

35 **234.35 When state to pay foster care costs.**

1 1. The department ~~of human services~~ is responsible for
2 paying the cost of foster care for a child, according to rates
3 established pursuant to section 234.38, under any of the
4 following circumstances:

5 *a.* When a court has committed the child to the director ~~of~~
6 ~~human services~~ or the director's designee.

7 *b.* When a court has transferred legal custody of the child
8 to the department ~~of human services~~.

9 *c.* When the department has agreed to provide foster care
10 services for the child for a period of not more than ninety
11 days on the basis of a signed placement agreement between the
12 department and the child's parent or guardian.

13 *d.* When the child has been placed in emergency care for
14 a period of not more than thirty days upon approval of the
15 director or the director's designee.

16 *e.* When a court has entered an order transferring the legal
17 custody of the child to a foster care placement pursuant to
18 section 232.46, section 232.52, subsection 2, paragraph "d", or
19 section 232.102, subsection 1. However, payment shall not be
20 made for a group foster care placement unless the group foster
21 care meets requirements as established by the department by
22 rule.

23 *f.* When the department has agreed to provide foster care
24 services for a child who is eighteen years of age or older
25 on the basis of a signed placement agreement between the
26 department and the child or the person acting on behalf of the
27 child.

28 *g.* When the department has agreed to provide foster care
29 services for the child on the basis of a signed placement
30 agreement initiated before July 1, 1992, between the department
31 and the child's parent or guardian.

32 *h.* When the child is placed in shelter care pursuant to
33 section 232.20, subsection 1, or section 232.21.

34 2. Except as provided under section 234.38 for direct
35 payment of foster parents, payment for foster care costs shall

1 be limited to foster care providers with whom the department
2 has a contract in force.

3 3. Payment for foster care services provided to a child
4 who is eighteen years of age or older shall be limited to the
5 following:

6 a. Family foster care or supervised apartment living
7 arrangements.

8 b. For a child who is at imminent risk of becoming homeless
9 or failing to graduate from high school or to obtain a general
10 education development diploma, if the services are in the
11 child's best interest, funding is available for the services,
12 and an appropriate alternative service is unavailable.

13 Sec. 682. Section 234.37, Code 2023, is amended to read as
14 follows:

15 **234.37 Department may establish accounts for certain**
16 **children.**

17 The department ~~of human services is authorized to~~ may
18 establish an account in the name of any child committed to
19 the director ~~of human services~~ or the director's designee, or
20 whose legal custody has been transferred to the department, or
21 who is voluntarily placed in foster care pursuant to section
22 234.35. Any money which the child receives from the United
23 States government or any private source shall be placed in the
24 child's account, unless a guardian of the child's property has
25 been appointed and demands the money, in which case it shall
26 be paid to the guardian. The account shall be maintained by
27 the department as trustee for the child in an interest-bearing
28 account at a reputable bank or savings association, except
29 that if the child is residing at an institution administered
30 by the department a limited amount of the child's funds may be
31 maintained in a separate account, which need not be interest
32 bearing, in the child's name at the institution. Any money
33 held in an account in the child's name or in trust for the
34 child under this section may be used, at the discretion of the
35 department and subject to restrictions lawfully imposed by the

1 United States government or other source from which the child
2 receives the funds, for the purchase of personal incidentals,
3 desires and comforts of the child. All of the money held for
4 a child by the department under this section and not used
5 in the child's behalf as authorized by law shall be promptly
6 paid to the child or the child's parent or legal guardian upon
7 termination of the commitment of the child to the director or
8 the director's designee, or upon transfer or cessation of legal
9 custody of the child by the department.

10 Sec. 683. Section 234.38, Code 2023, is amended to read as
11 follows:

12 **234.38 Foster care reimbursement rates.**

13 The department ~~of human services~~ shall make reimbursement
14 payments directly to foster parents for services provided to
15 children pursuant to section 234.6, subsection 1, paragraph
16 "e", subparagraph (2), or section 234.35. In any fiscal
17 year, the reimbursement rate shall be based upon sixty-five
18 percent of the United States department of agriculture
19 estimate of the cost to raise a child in the calendar year
20 immediately preceding the fiscal year. The department may pay
21 an additional stipend for a child with special needs.

22 Sec. 684. Section 234.39, Code 2023, is amended to read as
23 follows:

24 **234.39 Responsibility for cost of services.**

25 1. It is the intent of this chapter that an individual
26 receiving foster care services and the individual's parents or
27 guardians shall have primary responsibility for paying the cost
28 of the care and services. The support obligation established
29 and adopted under this section shall be consistent with the
30 limitations on legal liability established under sections
31 222.78 and 230.15, and by any other statute limiting legal
32 responsibility for support which may be imposed on a person for
33 the cost of care and services provided by the department. The
34 department shall notify an individual's parents or guardians,
35 at the time of the placement of an individual in foster care,

1 of the responsibility for paying the cost of care and services.
2 Support obligations shall be established as follows:
3 a. For an individual to whom section 234.35, subsection
4 1, is applicable, a dispositional order of the juvenile court
5 requiring the provision of foster care, or an administrative
6 order entered pursuant to chapter 252C, or any order
7 establishing paternity and support for a child in foster care,
8 shall establish, after notice and a reasonable opportunity to
9 be heard is provided to a parent or guardian, the amount of
10 the parent's or guardian's support obligation for the cost
11 of foster care provided by the department. The amount of
12 the parent's or guardian's support obligation and the amount
13 of support debt accrued and accruing shall be established in
14 accordance with the child support guidelines prescribed under
15 section 598.21B. However, the court, or the department of
16 ~~human services~~ in establishing support by administrative order,
17 may deviate from the prescribed obligation after considering
18 a recommendation by the department for expenses related to
19 goals and objectives of a case permanency plan as defined
20 under section 237.15, and upon written findings of fact which
21 specify the reason for deviation and the prescribed guidelines
22 amount. Any order for support shall direct the payment of the
23 support obligation to the collection services center for the
24 use of the department's foster care ~~recovery unit~~ services.
25 The order shall be filed with the clerk of the district court
26 in which the responsible parent or guardian resides and has
27 the same force and effect as a judgment when entered in the
28 judgment docket and lien index. The collection services center
29 shall disburse the payments pursuant to the order and record
30 the disbursements. If payments are not made as ordered, the
31 child support ~~recovery unit~~ services may certify a default to
32 the court and the court may, on its own motion, proceed under
33 section 598.22 or 598.23 or the child support ~~recovery unit~~
34 services may enforce the judgment as allowed by law. An order
35 entered under this paragraph may be modified only in accordance

1 with the guidelines prescribed under section 598.21C, or under
2 chapter 252H.

3 *b.* For an individual who is served by the department of
4 ~~human services~~ under section 234.35, and is not subject to
5 a dispositional order of the juvenile court requiring the
6 provision of foster care, the department shall determine the
7 obligation of the individual's parent or guardian pursuant
8 to chapter 252C and in accordance with the child support
9 guidelines prescribed under section 598.21B. However, the
10 department may adjust the prescribed obligation for expenses
11 related to goals and objectives of a case permanency plan
12 as defined under section 237.15. An obligation determined
13 under this paragraph may be modified only in accordance with
14 conditions under section 598.21C, or under chapter 252H.

15 2. A person entitled to periodic support payments pursuant
16 to an order or judgment entered in any action for support,
17 who also is or has a child receiving foster care services, is
18 deemed to have assigned to the department current and accruing
19 support payments attributable to the child effective as of the
20 date the child enters foster care placement, to the extent
21 of expenditure of foster care funds. The department shall
22 notify the clerk of the district court when a child entitled
23 to support payments is receiving foster care services pursuant
24 to chapter 234. Upon notification by the department that a
25 child entitled to periodic support payments is receiving foster
26 care services, the clerk of the district court shall make a
27 notation of the automatic assignment in the judgment docket and
28 lien index. The notation constitutes constructive notice of
29 assignment. The clerk of court shall furnish the department
30 with copies of all orders and decrees awarding support when
31 the child is receiving foster care services. At the time the
32 child ceases to receive foster care services, the assignment
33 of support shall be automatically terminated. Unpaid support
34 accrued under the assignment of support rights during the time
35 that the child was in foster care remains due to the department

1 up to the amount of unreimbursed foster care funds expended.
2 The department shall notify the clerk of court of the automatic
3 termination of the assignment. Unless otherwise specified in
4 the support order, an equal and proportionate share of any
5 child support awarded shall be presumed to be payable on behalf
6 of each child subject to the order or judgment for purposes of
7 an assignment under this section.

8 3. The support debt for the costs of services, for which
9 a support obligation is established pursuant to this section,
10 which accrues prior to the establishment of the support debt,
11 shall be collected, at a maximum, in the amount which is the
12 amount of accrued support debt for the three months preceding
13 the earlier of the following:

14 a. The provision by ~~the child support recovery unit~~ services
15 of the initial notice to the parent or guardian of the amount
16 of the support obligation.

17 b. The date that the written request for a court hearing
18 is received by ~~the child support recovery unit~~ services as
19 provided in section 252C.3 or 252F.3.

20 4. If the department makes a subsidized guardianship
21 payment for a child, the payment shall be considered a foster
22 care payment for purposes of child support ~~recovery~~ services.
23 All provisions of this and other sections, and of rules and
24 orders adopted or entered pursuant to those sections, including
25 for the establishment of a paternity or support order, for
26 the amount of a support obligation, for the modification or
27 adjustment of a support obligation, for the assignment of
28 support, and for enforcement shall apply as if the child
29 were receiving foster care services, or were in foster care
30 placement, or as if foster care funds were being expended for
31 the child. This subsection shall apply regardless of the date
32 of placement in foster care or subsidized guardianship or the
33 date of entry of an order, and foster care and subsidized
34 guardianship shall be considered the same for purposes of child
35 support ~~recovery~~ services.

1 Sec. 685. Section 234.40, Code 2023, is amended to read as
2 follows:

3 **234.40 Corporal punishment.**

4 The department ~~of human services~~ shall adopt rules
5 prohibiting corporal punishment of foster children by foster
6 parents licensed by the department. The rules shall allow
7 foster parents to use reasonable physical force to restrain a
8 foster child in order to prevent injury to the foster child,
9 injury to others, the destruction of property, or extremely
10 disruptive behavior. For the purposes of this section,
11 "*corporal punishment*" means the intentional physical punishment
12 of a foster child. A foster parent's physical contact with
13 the body of a foster child shall not be considered corporal
14 punishment if the contact is reasonable and necessary under the
15 circumstances and is not designed or intended to cause pain or
16 if the foster parent uses reasonable force, as defined under
17 section 704.1.

18 Sec. 686. Section 234.41, Code 2023, is amended to read as
19 follows:

20 **234.41 Tort actions.**

21 A foster parent licensed by the department ~~of human services~~
22 stands in the same relationship to the foster parent's minor
23 foster child, for purposes of tort actions by or on behalf of
24 the foster child against the foster parent, as a biological
25 parent to the biological parent's minor child who resides at
26 home. This section does not apply to a foster parent whose
27 malicious, willful and wanton conduct causes injury or damage
28 to a foster child or exposes the foster child to a danger
29 caused by violation of a statute or the rules of the department
30 ~~of human services~~.

31 Sec. 687. Section 234.45, Code 2023, is amended to read as
32 follows:

33 **234.45 Iowa marriage initiative grant fund.**

34 1. An Iowa marriage initiative grant fund is established
35 in the state treasury under the authority of the department

1 ~~of human services~~. The grant fund shall consist of moneys
 2 appropriated to the fund and notwithstanding section 8.33 such
 3 moneys shall not revert to the fund from which appropriated
 4 at the close of the fiscal year but shall remain in the Iowa
 5 marriage initiative grant fund. Moneys credited to the fund
 6 shall be used as directed in appropriations made by the general
 7 assembly for funding of services to support marriage and to
 8 encourage the formation and maintenance of two-parent families
 9 that are secure and nurturing.

10 2. It is the intent of the general assembly to credit to the
 11 Iowa marriage initiative grant fund, federal moneys provided
 12 to the state for the express purpose of supporting marriage or
 13 two-parent families.

14 Sec. 688. Section 234.46, subsection 2, unnumbered
 15 paragraph 1, Code 2023, is amended to read as follows:

16 The ~~division~~ department shall establish a preparation for
 17 adult living program directed to young adults. The purpose
 18 of the program is to assist persons who are leaving foster
 19 care and other court-ordered services at age eighteen or
 20 older in making the transition to self-sufficiency. The
 21 department shall adopt rules necessary for administration of
 22 the program, including but not limited to eligibility criteria
 23 for young adult participation and the services and other
 24 support available under the program. The rules shall provide
 25 for participation of each person who meets the definition of
 26 young adult on the same basis, regardless of whether federal
 27 financial participation is provided. The services and other
 28 support available under the program may include but are not
 29 limited to any of the following:

30 Sec. 689. Section 234.47, Code 2023, is amended to read as
 31 follows:

32 **234.47 State child care assistance and adoption subsidy**
 33 **programs — expenditure projections.**

34 The department ~~of human services~~, the department of
 35 management, and the legislative services agency shall utilize

1 a joint process to arrive at consensus projections for
2 expenditures for the state child care assistance program under
3 section 237A.13 and adoption subsidy and other assistance
4 provided under section 600.17.

5 Sec. 690. Section 235.1, Code 2023, is amended to read as
6 follows:

7 **235.1 Definitions.**

8 As used in this chapter, unless the context otherwise
9 requires:

10 ~~1. "Administrator" means the same as defined in section~~
11 ~~234.1.~~

12 ~~2. 1. "Child" means the same as defined in section 234.1.~~

13 ~~3. 2. "Child welfare services" means social welfare~~
14 ~~services for the protection and care of children who are~~
15 ~~homeless, dependent or neglected, or in danger of becoming~~
16 ~~delinquent, or who have a mental illness or an intellectual~~
17 ~~disability or other developmental disability, including, when~~
18 ~~necessary, care and maintenance in a foster care facility.~~
19 ~~Child welfare services are designed to serve a child in the~~
20 ~~child's home whenever possible. If not possible, and the child~~
21 ~~is placed outside the child's home, the placement should be in~~
22 ~~the least restrictive setting available and in close proximity~~
23 ~~to the child's home.~~

24 ~~4. "State division" means the same as defined in section~~
25 ~~234.1.~~

26 3. "Department" means the department of health and human
27 services.

28 4. "Director" means the director of health and human
29 services.

30 Sec. 691. Section 235.2, Code 2023, is amended to read as
31 follows:

32 **235.2 Powers and duties of state division department.**

33 The state division department, in addition to all other
34 powers and duties given it the department by law, shall:

35 1. Administer and enforce the provisions of this chapter.

1 2. Join and cooperate with the government of the United
2 States through its appropriate agency or instrumentality or
3 with any other officer or agency of the federal government in
4 planning, establishing, extending and strengthening public and
5 private child welfare services within the state.

6 3. ~~Make such investigations~~ Investigate and ~~to obtain such~~
7 information ~~as will~~ to permit the ~~administrator~~ director to
8 determine the need for public child welfare services within the
9 state and within the ~~several~~ county departments thereof.

10 4. Apply for and receive any funds which are or may be
11 allotted to the state by the United States or any agency
12 ~~thereof~~ of the United States for the purpose of developing
13 child welfare services.

14 5. Make ~~such~~ reports and budget estimates to the governor
15 and to the general assembly as ~~are~~ required by law or ~~such~~ as
16 ~~are~~ necessary and proper to obtain the appropriation of state
17 funds for child welfare services within the state and for all
18 the purposes of this chapter.

19 6. Cooperate with the ~~several~~ county departments within the
20 state, and all county boards of supervisors and other public
21 or private agencies charged with the protection and care of
22 children, in the development of child welfare services.

23 7. Aid in the enforcement of all laws of the state for the
24 protection and care of children.

25 8. Cooperate with the juvenile courts of the state and ~~with~~
26 ~~the other administrators and divisions of the~~ subunits within
27 the department of ~~human services~~ regarding the management and
28 control of state institutions and the inmates ~~thereof~~ of the
29 institutions.

30 Sec. 692. Section 235.3, Code 2023, is amended to read as
31 follows:

32 **235.3 Powers and duties of ~~administrator~~ director.**

33 The ~~administrator~~ director shall:

34 1. Plan and supervise all public child welfare services and
35 activities within the state as provided by this chapter.

- 1 2. Make ~~such~~ reports and obtain and furnish ~~such~~ information
2 ~~from time to time~~ as may be necessary to permit cooperation by
3 the ~~state division~~ director with the United States children's
4 bureau, the social security administration, or any other
5 federal agency which is ~~now or may hereafter be~~ charged with
6 any duty regarding child care or child welfare services.
- 7 3. Adopt rules as necessary or advisable for the supervision
8 of the private child-caring agencies or their officers which
9 the ~~administrator~~ department is empowered to license and
10 supervise.
- 11 4. Supervise private institutions for the care of
12 dependent, neglected, and delinquent children, and make reports
13 regarding the institutions.
- 14 5. Designate and approve the private and county
15 institutions within the state to which neglected, dependent,
16 and delinquent children may be legally committed ~~and to have~~
17 ~~supervision of,~~ supervise the care of children committed
18 ~~thereto to these institutions,~~ and have the right ~~of visitation~~
19 to visit and ~~inspection of said~~ inspect these institutions at
20 all times.
- 21 6. Receive and keep on file annual reports from all
22 institutions to which children subject to the jurisdiction
23 of the juvenile court are committed, compile statistics
24 regarding juvenile delinquency, make reports regarding
25 juvenile delinquency, and study prevention and cure of juvenile
26 delinquency.
- 27 7. Require and receive from the clerks of the courts of
28 record within the state duplicates of the findings of the
29 courts upon petitions for adoption, and keep records and
30 compile statistics regarding adoptions.
- 31 8. License private child-placing agencies, make reports
32 regarding ~~them~~ the agencies, and revoke ~~such~~ licenses.
- 33 9. Make ~~such~~ rules and regulations as ~~may be~~ necessary
34 for the distribution and use of funds appropriated for child
35 welfare services.

1 Sec. 693. Section 235.4, Code 2023, is amended to read as
2 follows:

3 **235.4 Licenses.**

4 Licenses issued to private boarding homes for children and
5 private child-placing agencies by the ~~administrator~~ department
6 shall remain in effect for the period for which issued, unless
7 sooner revoked according to law. Thereafter ~~each of such the~~
8 agencies shall apply to the ~~administrator~~ department for a new
9 license, and shall submit to ~~such~~ rules regarding licensing as
10 ~~the administrator prescribes~~ prescribed by the department.

11 Sec. 694. Section 235.7, Code 2023, is amended to read as
12 follows:

13 **235.7 Transition committees.**

14 1. *Committees established.* The department ~~of human services~~
15 shall establish and maintain local transition committees to
16 address the transition needs of ~~those~~ children receiving child
17 welfare services who are age sixteen or older and have a case
18 permanency plan as defined in section 232.2. The department
19 shall adopt rules establishing criteria for transition
20 committee membership, operating policies, and basic functions.
21 The rules shall provide flexibility for a committee to adopt
22 protocols and other procedures appropriate for the geographic
23 area addressed by the committee.

24 2. *Membership.* The department may authorize the governance
25 boards of decategorization of child welfare and juvenile
26 justice funding projects established under section 232.188 to
27 appoint the transition committee membership and may utilize
28 the boundaries of decategorization projects to establish
29 the service areas for transition committees. The committee
30 membership may include but is not limited to department ~~of~~
31 ~~human services~~ staff involved with foster care, child welfare,
32 and adult services, juvenile court services staff, staff
33 involved with county general assistance or emergency relief
34 under chapter 251 or 252, or a regional administrator of the
35 county mental health and disability services region, as defined

1 in section 331.388, in the area, school district and area
2 education agency staff involved with special education, and a
3 child's court appointed special advocate, guardian ad litem,
4 service providers, and other persons knowledgeable about the
5 child.

6 3. *Duties.* A transition committee shall review and approve
7 the written plan of services required for the child's case
8 permanency plan in accordance with section 232.2, subsection 4,
9 paragraph "g", which, based upon an assessment of the child's
10 needs, would assist the child in preparing for the transition
11 from foster care to adulthood. In addition, a transition
12 committee shall identify and act to address any gaps existing
13 in the services or other support available to meet the child
14 and adult needs of individuals for whom service plans are
15 approved.

16 Sec. 695. Section 235A.1, Code 2023, is amended to read as
17 follows:

18 **235A.1 Child abuse prevention program.**

19 1. a. A program for the prevention of child abuse is
20 established within the state department of health and human
21 services. Any moneys appropriated by the general assembly for
22 child abuse prevention shall be used by the department ~~of human~~
23 ~~services~~ solely for the purposes of child abuse prevention and
24 shall not be expended for treatment or other service delivery
25 programs regularly maintained by the department. Moneys
26 appropriated for child abuse prevention shall be used by the
27 department through contract with an agency or organization
28 which shall administer the funds with maximum use of voluntary
29 administrative services for the following:

30 (1) Matching federal funds to purchase services relating to
31 community-based programs for the prevention of child abuse and
32 neglect.

33 (2) Funding the establishment or expansion of
34 community-based prevention projects or educational programs for
35 the prevention of child abuse and neglect.

1 (3) ~~To study and evaluate~~ Studying and evaluating
2 community-based prevention projects and educational programs
3 for the problems of families and children.

4 b. Funds for the programs or projects shall be applied
5 for and received by a community-based volunteer coalition or
6 council.

7 2. The director of health and human services may accept
8 grants, gifts, and bequests from any source for the purposes
9 designated in subsection 1. The director shall remit funds ~~so~~
10 received to the treasurer of state who shall deposit ~~them~~ the
11 funds in the general fund of the state for the use of the child
12 abuse prevention program.

13 Sec. 696. Section 235A.2, Code 2023, is amended to read as
14 follows:

15 **235A.2 Child abuse prevention program fund.**

16 1. A child abuse prevention program fund is created in
17 the state treasury under the control of the department of
18 health and human services. The fund is composed of moneys
19 appropriated or available to and obtained or accepted by the
20 treasurer of state for deposit in the fund. The fund shall
21 include moneys transferred to the fund pursuant to an income
22 tax checkoff provided in chapter 422, subchapter II, if
23 applicable. All interest earned on moneys in the fund shall
24 be credited to and remain in the fund. Section 8.33 does not
25 apply to moneys in the fund.

26 2. Moneys in the fund that are authorized by the department
27 for expenditure are appropriated, and shall be used, for the
28 purposes described in section 235A.1 of preventing child abuse
29 and neglect.

30 Sec. 697. NEW SECTION. **235A.3 Child abuse prevention**
31 **program advisory committee.**

32 The council on health and human services shall establish a
33 child abuse prevention program advisory committee to support
34 the child abuse prevention program implemented in accordance
35 with section 235A.1. The duties of the advisory committee

1 shall include all of the following:

2 1. Advise the director of health and human services
3 regarding expenditures of funds received for the child abuse
4 prevention program.

5 2. Review the implementation and effectiveness of
6 legislation and administrative rules concerning the child abuse
7 prevention program.

8 3. Recommend changes in legislation and administrative
9 rules to the general assembly and the appropriate department
10 officials.

11 4. Require reports from state agencies and other entities as
12 necessary to perform its duties.

13 5. Receive and review complaints from the public concerning
14 the operation and management of the child abuse prevention
15 program.

16 6. Approve grant proposals.

17 Sec. 698. Section 235A.13, Code 2023, is amended to read as
18 follows:

19 **235A.13 Definitions.**

20 The definitions in section 232.68 are applicable to this
21 subchapter unless the context otherwise requires. As used
22 in chapter 232, subchapter III, part 2, and this subchapter,
23 unless the context otherwise requires:

24 1. "*Assessment data*" means any of the following information
25 pertaining to the department's evaluation of a family:

26 a. Identification of the strengths and needs of the child,
27 and of the child's parent, home, and family.

28 b. Identification of services available from the department
29 and informal and formal services and other support available in
30 the community to meet identified strengths and needs.

31 2. "*Child abuse information*" means any or all of the
32 following data maintained by the department in a manual or
33 automated data storage system and individually identified:

34 a. Report data.

35 b. Assessment data.

1 *c.* Disposition data.

2 3. "*Confidentiality*" means the withholding of information
3 from any manner of communication, public or private.

4 4. "*Department*" means the department of health and human
5 services.

6 5. "*Director*" means the director of health and human
7 services.

8 6. "*Disposition data*" means information pertaining to
9 an opinion or decision as to the occurrence of child abuse,
10 including:

11 *a.* Any intermediate or ultimate opinion or decision reached
12 by assessment personnel.

13 *b.* Any opinion or decision reached in the course of judicial
14 proceedings.

15 *c.* The present status of any case.

16 ~~6.~~ 7. "*Expungement*" means the process of destroying child
17 abuse information.

18 ~~7.~~ 8. "*Individually identified*" means any report,
19 assessment, or disposition data which names the person or
20 persons responsible or believed responsible for the child
21 abuse.

22 ~~8.~~ 9. "*Multidisciplinary team*" means a group of individuals
23 who possess knowledge and skills related to the diagnosis,
24 assessment, and disposition of child abuse cases and who are
25 professionals practicing in the disciplines of medicine,
26 nursing, public health, substance ~~abuse~~ use disorder, domestic
27 violence, mental health, social work, child development,
28 education, law, juvenile probation, or law enforcement, or a
29 group established pursuant to section 235B.1, subsection 1.

30 ~~9.~~ 10. "*Near fatality*" means an injury to a child that,
31 as certified by a physician or physician assistant, placed the
32 child in serious or critical condition.

33 ~~10.~~ 11. "*Report data*" means any of the following
34 information pertaining to an assessment of an allegation of
35 child abuse in which the department has determined the alleged

1 child abuse meets the definition of child abuse:

2 *a.* The name and address of the child and the child's parents
3 or other persons responsible for the child's care.

4 *b.* The age of the child.

5 *c.* The nature and extent of the injury, including evidence
6 of any previous injury.

7 *d.* Additional information as to the nature, extent, and
8 cause of the injury, and the identity of the person or persons
9 alleged to be responsible for the injury.

10 *e.* The names and conditions of other children in the child's
11 home.

12 *f.* A recording made of an interview conducted under chapter
13 232 in association with a child abuse assessment.

14 *g.* Any other information believed to be helpful in
15 establishing the information in paragraph "d".

16 ~~11.~~ 12. "*Sealing*" means the process of removing child abuse
17 information from authorized access as provided by this chapter.

18 Sec. 699. Section 235A.14, Code 2023, is amended to read as
19 follows:

20 **235A.14 Creation and maintenance of a central registry.**

21 1. There is created within the state department of
22 ~~human services~~ a central registry for certain child abuse
23 information. The department shall organize and staff the
24 registry and adopt rules for its operation.

25 2. The registry shall collect, maintain and disseminate
26 child abuse information as provided for by this chapter.

27 3. The department shall maintain a toll-free telephone
28 line, which shall be available on a ~~twenty-four hour a day~~
29 twenty-four-hour-a-day, seven-day-a-week ~~seven-day-a-week~~
30 basis and which the department of ~~human services~~ and all other
31 persons may use to report cases of suspected child abuse
32 and that all persons authorized by this chapter may use for
33 obtaining child abuse information.

34 4. An oral report of suspected child abuse initially made to
35 the central registry shall be immediately transmitted by the

1 department to the appropriate county department of ~~social~~ human
2 services or law enforcement agency, or both.

3 5. The registry, upon receipt of a report of suspected
4 child abuse, shall search the records of the registry, and
5 if the records of the registry reveal any previous report of
6 child abuse involving the same child or any other child in
7 the same family, or if the records reveal any other pertinent
8 information with respect to the same child or any other child
9 in the same family, the appropriate office of the department of
10 ~~human services~~ or law enforcement agency shall be immediately
11 notified of that fact.

12 6. The central registry shall include report data and
13 disposition data which is subject to placement in the central
14 registry under section 232.71D. The central registry shall not
15 include assessment data.

16 Sec. 700. Section 235A.15, subsection 2, paragraph b,
17 subparagraphs (2) and (4), Code 2023, are amended to read as
18 follows:

19 (2) To an employee or agent of the department of ~~human~~
20 ~~services~~ responsible for the assessment of a child abuse
21 report.

22 (4) To a multidisciplinary team, or to parties to an
23 interagency agreement entered into pursuant to section 280.25,
24 if the department of ~~human services~~ approves the composition of
25 the multidisciplinary team or the relevant provisions of the
26 interagency agreement and determines that access to the team
27 or to the parties to the interagency agreement is necessary
28 to assist the department in the diagnosis, assessment, and
29 disposition of a child abuse case.

30 Sec. 701. Section 235A.15, subsection 2, paragraph c,
31 subparagraph (8), Code 2023, is amended to read as follows:

32 (8) To an administrator of an agency certified by the
33 department of ~~human services~~ to provide services under a
34 medical assistance home and community-based services waiver,
35 if the data concerns a person employed by or being considered

1 by the agency for employment.

2 Sec. 702. Section 235A.15, subsection 2, paragraph e,
3 subparagraphs (6), (8), and (12), Code 2023, are amended to
4 read as follows:

5 (6) To the attorney for the department ~~of human services~~ who
6 is responsible for representing the department.

7 (8) To an employee or agent of the department ~~of human~~
8 ~~services~~ regarding a person who is providing child care if the
9 person is not registered or licensed to operate a child care
10 facility.

11 (12) To the department ~~of human services~~ for a record check
12 relating to employment or residence pursuant to section 218.13.

13 Sec. 703. Section 235A.15, subsection 7, Code 2023, is
14 amended to read as follows:

15 7. If the director ~~of human services~~ receives a written
16 request for information regarding a specific case of child
17 abuse involving a fatality or near fatality to a child from the
18 majority or minority leader of the senate or the speaker or the
19 minority leader of the house of representatives, the director
20 or the director's designee shall arrange for a confidential
21 meeting with the requestor or the requestor's designee. In the
22 confidential meeting the director or the director's designee
23 shall share all pertinent information concerning the case,
24 including but not limited to child abuse information. Any
25 written document distributed by the director or the director's
26 designee at the confidential meeting shall not be removed
27 from the meeting and a participant in the meeting shall be
28 subject to the restriction on redissemination of confidential
29 information applicable to a person under section 235A.17,
30 subsection 3, for confidential information disclosed to the
31 participant at the meeting. A participant in the meeting
32 may issue a report to the governor or make general public
33 statements concerning the department's handling of the case of
34 child abuse.

35 Sec. 704. Section 235A.15, subsection 9, unnumbered

1 paragraph 1, Code 2023, is amended to read as follows:

2 If, apart from a request made pursuant to subsection 7
3 or 8, the department receives from a member of the public a
4 request for information relating to a case of founded child
5 abuse involving a fatality or near fatality to a child, the
6 response to the request shall be made in accordance with this
7 subsection and subsections 10 and 11. If the request is
8 received before or during performance of an assessment of the
9 case in accordance with section 232.71B, the director ~~of human~~
10 ~~services~~ or the director's designee shall initially disclose
11 whether or not the assessment will be or is being performed.
12 Otherwise, within five business days of receiving the request
13 or completing the assessment, whichever is later, the director
14 ~~of human services~~ or the director's designee shall consult
15 with the county attorney responsible for prosecution of any
16 alleged perpetrator of the fatality or near fatality and shall
17 disclose information, including but not limited to child abuse
18 information, relating to the case, except for the following:

19 Sec. 705. Section 235A.15, subsection 10, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 The information released by the director ~~of human services~~
22 or the director's designee pursuant to a request made under
23 subsection 9 relating to a case of founded child abuse
24 involving a fatality or near fatality to a child shall include
25 all of the following, unless such information is excepted from
26 disclosure under subsection 9:

27 Sec. 706. Section 235A.15, subsection 11, paragraph b, Code
28 2023, is amended to read as follows:

29 b. If release of social services information in addition to
30 that released under subsection 10, paragraph "c", is believed
31 to be in the public's interest and right to know, the director
32 ~~of human services~~ or the director's designee may apply to
33 the court under section 235A.24 requesting a review of the
34 information proposed for release and an order authorizing
35 release of the information. A release of information that

1 would otherwise be confidential under section 217.30 concerning
2 social services provided to the child or the child's family
3 shall not include information concerning financial or medical
4 assistance provided to the child or the child's family.

5 Sec. 707. Section 235A.15, subsection 12, Code 2023, is
6 amended to read as follows:

7 12. If an individual who is the subject of a child abuse
8 report listed in subsection 2, paragraph "a", or another party
9 involved in an assessment under section 232.71B releases
10 in a public forum or to the media information concerning a
11 case of child abuse including but not limited to child abuse
12 information which would otherwise be confidential, the director
13 ~~of human services~~, or the director's designee, may respond
14 with relevant information concerning the case of child abuse
15 that was the subject of the release. Prior to releasing the
16 response, the director or the director's designee shall consult
17 with the child's parent or guardian, or the child's guardian ad
18 litem, and apply to the court under section 235A.24 requesting
19 a review of the information proposed for release and an order
20 authorizing release of the information.

21 Sec. 708. Section 235A.16, subsection 3, Code 2023, is
22 amended to read as follows:

23 3. Subsections 1 and 2 do not apply to child abuse
24 information that is disseminated to an employee of the
25 ~~department of human services~~, to a juvenile court, or to the
26 attorney representing the department as authorized by section
27 235A.15.

28 Sec. 709. Section 235A.17, subsection 2, Code 2023, is
29 amended to read as follows:

30 2. The department ~~of human services~~ may notify orally the
31 mandatory reporter in an individual child abuse case of the
32 results of the case assessment and of the confidentiality
33 provisions of sections 235A.15 and 235A.21. The department
34 shall subsequently transmit a written notice to the mandatory
35 reporter of the results and confidentiality provisions. If

1 the report data and disposition data have been placed in the
2 registry as founded child abuse pursuant to section 232.71D, a
3 copy of the written notice shall be transmitted to the registry
4 and shall be maintained by the registry as provided in section
5 235A.18. Otherwise, a copy of the written notice shall be
6 retained by the department with the case file.

7 Sec. 710. Section 235A.17, subsection 3, paragraph b,
8 subparagraph (1), Code 2023, is amended to read as follows:

9 (1) Department ~~of human services~~ information described in
10 section 217.30, subsection 2.

11 Sec. 711. Section 235A.18, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. The department ~~of human services~~ shall adopt rules
14 establishing the period of time child abuse information which
15 is not maintained in the central registry is retained by the
16 department.

17 Sec. 712. Section 235A.22, Code 2023, is amended to read as
18 follows:

19 **235A.22 Education program.**

20 The department ~~of human services~~ shall require an
21 educational program for employees of the department with access
22 to child abuse information on the proper use and control of
23 child abuse information.

24 Sec. 713. Section 235A.23, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The department ~~of human services~~ may compile statistics,
27 conduct research, and issue reports on child abuse, provided
28 identifying details of the subject of child abuse reports are
29 deleted from any report issued.

30 Sec. 714. Section 235A.24, subsection 1, paragraph b, Code
31 2023, is amended to read as follows:

32 b. The director ~~of human services~~ or the director's
33 designee may apply, if the conditions under section 235A.15,
34 subsection 11 or 12, are met, to the court requesting a
35 review of confidential information proposed for release and an

1 order authorizing the release of information. A release of
2 information that would otherwise be confidential under section
3 217.30 concerning social services provided to the child or
4 the child's family shall not include information concerning
5 financial or medical assistance provided to the child or the
6 child's family.

7 Sec. 715. Section 235B.1, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. a. The establishment of a dependent adult protective
10 advisory council. The advisory council shall do all of the
11 following:

12 (1) Advise the director ~~of human services, the director~~
13 ~~of the department on aging,~~ the director of inspections and
14 appeals, and the director of public health, ~~the director of the~~
15 ~~department of corrections, and the director of human rights~~
16 regarding dependent adult abuse.

17 (2) Evaluate state law and rules and make recommendations
18 to the general assembly and to executive branch departments
19 regarding laws and rules concerning dependent adults.

20 (3) Receive and review recommendations and complaints from
21 the public, health care facilities, and health care programs
22 concerning the dependent adult abuse services program.

23 b. (1) The advisory council shall consist of twelve
24 members. Eight members shall be appointed by and serve at
25 the pleasure of the governor. Four of the members appointed
26 shall be appointed on the basis of knowledge and skill related
27 to expertise in the area of dependent adult abuse including
28 professionals practicing in the disciplines of medicine, public
29 health, mental health, long-term care, social work, law,
30 and law enforcement. Two of the members appointed shall be
31 members of the general public with an interest in the area of
32 dependent adult abuse and two of the members appointed shall
33 be members of the Iowa caregivers association. In addition,
34 the membership of the council shall include the director or the
35 director's designee of the department ~~of human services, the~~

1 ~~department on aging, the Iowa department of public health, and~~
2 the department of inspections and appeals.

3 (2) The members of the advisory council shall be appointed
4 to terms of four years beginning May 1. Appointments shall
5 comply with sections 69.16 and 69.16A. Vacancies shall be
6 filled in the same manner as the original appointment.

7 (3) Members shall receive actual expenses incurred while
8 serving in their official capacity.

9 (4) The advisory council shall select a chairperson,
10 annually, from its membership.

11 Sec. 716. Section 235B.2, Code 2023, is amended to read as
12 follows:

13 **235B.2 Definitions.**

14 As used in this chapter, unless the context otherwise
15 requires:

16 1. "*Caretaker*" means a related or nonrelated person who
17 has the responsibility for the protection, care, or custody of
18 a dependent adult as a result of assuming the responsibility
19 voluntarily, by contract, through employment, or by order of
20 the court.

21 2. "*Court*" means the district court.

22 3. "*Department*" means the department of health and human
23 services.

24 4. "*Dependent adult*" means a person eighteen years of age or
25 older who is unable to protect the person's own interests or
26 unable to adequately perform or obtain services necessary to
27 meet essential human needs, as a result of a physical or mental
28 condition which requires assistance from another, or as defined
29 by departmental rule.

30 5. a. "*Dependent adult abuse*" means:

31 (1) Any of the following as a result of the willful or
32 negligent acts or omissions of a caretaker:

33 (a) Physical injury to, or injury which is at a variance
34 with the history given of the injury, or unreasonable
35 confinement, unreasonable punishment, or assault of a dependent

1 adult.

2 (b) The commission of a sexual offense under chapter 709 or
3 section 726.2 with or against a dependent adult.

4 (c) Exploitation of a dependent adult which means the act
5 or process of taking unfair advantage of a dependent adult
6 or the adult's physical or financial resources, without the
7 informed consent of the dependent adult, including theft, by
8 the use of undue influence, harassment, duress, deception,
9 false representation, or false pretenses.

10 (d) The deprivation of the minimum food, shelter, clothing,
11 supervision, physical or mental health care, or other care
12 necessary to maintain a dependent adult's life or health.

13 (2) The deprivation of the minimum food, shelter, clothing,
14 supervision, physical or mental health care, and other care
15 necessary to maintain a dependent adult's life or health as a
16 result of the acts or omissions of the dependent adult.

17 (3) (a) Sexual exploitation of a dependent adult by a
18 caretaker.

19 (b) "*Sexual exploitation*" means any consensual or
20 nonconsensual sexual conduct with a dependent adult which
21 includes but is not limited to kissing; touching of the clothed
22 or unclothed inner thigh, breast, groin, buttock, anus, pubes,
23 or genitals; or a sex act, as defined in section 702.17.
24 "*Sexual exploitation*" includes the transmission, display, taking
25 of electronic images of the unclothed breast, groin, buttock,
26 anus, pubes, or genitals of a dependent adult by a caretaker
27 for a purpose not related to treatment or diagnosis or as
28 part of an ongoing assessment, evaluation, or investigation.
29 Sexual exploitation does not include touching which is part
30 of a necessary examination, treatment, or care by a caretaker
31 acting within the scope of the practice or employment of the
32 caretaker; the exchange of a brief touch or hug between the
33 dependent adult and a caretaker for the purpose of reassurance,
34 comfort, or casual friendship; or touching between spouses.

35 (4) (a) Personal degradation of a dependent adult by a

1 caretaker.

2 (b) (i) "*Personal degradation*" means a willful act or
3 statement by a caretaker intended to shame, degrade, humiliate,
4 or otherwise harm the personal dignity of a dependent adult, or
5 where the caretaker knew or reasonably should have known the
6 act or statement would cause shame, degradation, humiliation,
7 or harm to the personal dignity of a reasonable person.
8 "*Personal degradation*" includes the taking, transmission,
9 or display of an electronic image of a dependent adult by a
10 caretaker, where the caretaker's actions constitute a willful
11 act or statement intended to shame, degrade, humiliate, or
12 otherwise harm the personal dignity of the dependent adult, or
13 where the caretaker knew or reasonably should have known the
14 act would cause shame, degradation, humiliation, or harm to the
15 personal dignity of a reasonable person.

16 (ii) "*Personal degradation*" does not include any of the
17 following:

18 (A) The taking, transmission, or display of an electronic
19 image of a dependent adult for the purpose of reporting
20 dependent adult abuse to law enforcement, the department,
21 or any other regulatory agency that oversees caretakers or
22 enforces abuse or neglect provisions, or for the purpose of
23 treatment or diagnosis or as part of an ongoing investigation.

24 (B) The taking, transmission, or display of an electronic
25 image by a caretaker who takes, transmits, or displays the
26 electronic image in accordance with the confidentiality policy
27 and release of information or consent policies of a contractor,
28 employer, or facility or program not covered under section
29 235E.1, subsection 5, paragraph "a", subparagraph (3).

30 (C) A statement by a caretaker who is the spouse of a
31 dependent adult that is not intended to shame, degrade,
32 humiliate, or otherwise harm the personal dignity of the
33 dependent adult spouse.

34 b. "*Dependent adult abuse*" does not include any of the
35 following:

1 (1) Circumstances in which the dependent adult declines
2 medical treatment if the dependent adult holds a belief or is
3 an adherent of a religion whose tenets and practices call for
4 reliance on spiritual means in place of reliance on medical
5 treatment.

6 (2) Circumstances in which the dependent adult's caretaker,
7 acting in accordance with the dependent adult's stated or
8 implied consent, declines medical treatment if the dependent
9 adult holds a belief or is an adherent of a religion whose
10 tenets and practices call for reliance on spiritual means in
11 place of reliance on medical treatment.

12 (3) The withholding or withdrawing of health care from
13 a dependent adult who is terminally ill in the opinion of a
14 licensed physician, when the withholding or withdrawing of
15 health care is done at the request of the dependent adult or at
16 the request of the dependent adult's next of kin, attorney in
17 fact, or guardian pursuant to the applicable procedures under
18 chapter 125, 144A, 144B, 222, 229, or 633.

19 6. "Director" means the director of health and human
20 services.

21 7. "Emergency shelter services" means and includes, but is
22 not limited to, secure crisis shelters or housing for victims
23 of dependent adult abuse.

24 ~~7.~~ 8. "Family or household member" means a spouse, a person
25 cohabiting with the dependent adult, a parent, or a person
26 related to the dependent adult by consanguinity or affinity,
27 but does not include children of the dependent adult who are
28 less than eighteen years of age.

29 ~~8.~~ 9. "Immediate danger to health or safety" means a
30 situation in which death or severe bodily injury could
31 reasonably be expected to occur without intervention.

32 ~~9.~~ 10. "Individual employed as an outreach person" means a
33 natural person who, in the course of employment, makes regular
34 contacts with dependent adults regarding available community
35 resources.

1 ~~10.~~ 11. "*Legal holiday*" means a legal public holiday as
2 defined in section 1C.1.

3 ~~11.~~ 12. "*Person*" means person as defined in section 4.1.

4 ~~12.~~ 13. "*Recklessly*" means that a person acts or fails to
5 act with respect to a material element of a public offense,
6 when the person is aware of and consciously disregards a
7 substantial and unjustifiable risk that the material element
8 exists or will result from the act or omission. The risk must
9 be of such a nature and degree that disregard of the risk
10 constitutes a gross deviation from the standard conduct that a
11 reasonable person would observe in the situation.

12 ~~13.~~ 14. "*Serious injury*" means the same as defined in
13 section 702.18.

14 ~~14.~~ 15. "*Support services*" includes but is not limited
15 to community-based services including area agency on aging
16 assistance, mental health services, fiscal management, home
17 health services, housing-related services, counseling services,
18 transportation services, adult day services, respite services,
19 legal services, and advocacy services.

20 Sec. 717. Section 235B.3, Code 2023, is amended to read as
21 follows:

22 **235B.3 Dependent adult abuse reports.**

23 1. a. (1) The department shall receive dependent adult
24 abuse reports and shall collect, maintain, and disseminate the
25 reports by establishing a central registry for dependent adult
26 abuse information. The department shall evaluate the reports
27 expeditiously.

28 (2) However, the department of inspections and appeals
29 is solely responsible for the evaluation and disposition of
30 dependent adult abuse cases within facilities and programs
31 pursuant to chapter 235E and shall inform the department of
32 ~~human services~~ of such evaluations and dispositions pursuant
33 to section 235E.2.

34 (3) If, in the course of an assessment or evaluation
35 of a report of dependent adult abuse, the department of

1 ~~human services~~ or the department of inspections and appeals
2 determines the case involves wages, workplace safety, or other
3 labor and employment matters under the jurisdiction of the
4 division of labor services of the department of workforce
5 development, the relevant portions of the case shall be
6 referred to the division.

7 (4) If, in the course of an assessment or evaluation
8 of a report of dependent adult abuse, the department of
9 ~~human services~~ or the department of inspections and appeals
10 determines that the case involves discrimination under the
11 jurisdiction of the civil rights commission, the relevant
12 portions of the case shall be referred to the commission.

13 b. Reports of dependent adult abuse which is the result
14 of the acts or omissions of the dependent adult shall be
15 collected and maintained in the files of the dependent adult
16 as assessments only and shall not be included in the central
17 registry.

18 c. A report of dependent adult abuse that meets the
19 definition of dependent adult abuse under section 235B.2,
20 subsection 5, paragraph "a", subparagraph (1), subparagraph
21 division (a) or (d), or section 235B.2, subsection 5, paragraph
22 "a", subparagraph (4), which the department determines is
23 minor, isolated, and unlikely to reoccur shall be collected
24 and maintained by the department as an assessment only for
25 a five-year period and shall not be included in the central
26 registry and shall not be considered to be founded dependent
27 adult abuse. However, a subsequent report of dependent adult
28 abuse that meets the definition of dependent adult abuse under
29 section 235B.2, subsection 5, paragraph "a", subparagraph
30 (1), subparagraph division (a) or (d), or section 235B.2,
31 subsection 5, paragraph "a", subparagraph (4), that occurs
32 within the five-year period and that is committed by the
33 caretaker responsible for the act or omission which was the
34 subject of the previous report of dependent adult abuse which
35 the department determined was minor, isolated, and unlikely to

1 reoccur shall not be considered minor, isolated, and unlikely
2 to reoccur.

3 2. A person who, in the course of employment, examines,
4 attends, counsels, or treats a dependent adult and reasonably
5 believes the dependent adult has suffered abuse, shall report
6 the suspected dependent adult abuse to the department. Persons
7 required to report include all of the following:

8 a. A member of the staff of a community mental health
9 center.

10 b. A peace officer.

11 c. An in-home homemaker-home health aide.

12 d. An individual employed as an outreach person.

13 e. A health practitioner, as defined in section 232.68.

14 f. A member of the staff or an employee of a supported
15 community living service, sheltered workshop, or work activity
16 center.

17 g. A social worker.

18 h. A certified psychologist.

19 i. A massage therapist licensed pursuant to chapter 152C.

20 3. a. If a staff member or employee is required to report
21 pursuant to this section, the person shall immediately notify
22 the department and shall also immediately notify the person in
23 charge or the person's designated agent.

24 b. The employer or supervisor of a person who is required to
25 or may make a report pursuant to this section shall not apply a
26 policy, work rule, or other requirement that interferes with
27 the person making a report of dependent adult abuse or that
28 results in the failure of another person to make the report.

29 4. An employee of a financial institution may report
30 suspected financial exploitation of a dependent adult to the
31 department.

32 5. Any other person who believes that a dependent adult has
33 suffered abuse may report the suspected abuse to the department
34 ~~of human services.~~

35 6. Following the reporting of suspected dependent adult

1 abuse, the department ~~of human services~~ or an agency approved
2 by the department shall complete an assessment of necessary
3 services and shall make appropriate referrals for receipt of
4 these services. The assessment shall include interviews with
5 the dependent adult, and, if appropriate, with the alleged
6 perpetrator of the dependent adult abuse and with any person
7 believed to have knowledge of the circumstances of the case.
8 The department may provide necessary protective services and
9 may establish a sliding fee schedule for those persons able to
10 pay a portion of the protective services.

11 7. Upon a showing of probable cause that a dependent
12 adult has been abused, a court may authorize a person, also
13 authorized by the department, to make an evaluation, to enter
14 the residence of, and to examine the dependent adult. Upon
15 a showing of probable cause that a dependent adult has been
16 financially exploited, a court may authorize a person, also
17 authorized by the department, to make an evaluation, and to
18 gain access to the financial records of the dependent adult.

19 8. If the department determines that disclosure is
20 necessary for the protection of a dependent adult, the
21 department may disclose to a subject of a dependent adult abuse
22 report referred to in section 235B.6, subsection 2, paragraph
23 "a", that an individual is listed in the child or dependent
24 adult abuse registry or is required to register with the sex
25 offender registry in accordance with chapter 692A.

26 9. If, in the course of assessment, evaluation, or
27 investigation of a report of dependent adult abuse, the
28 department determines that disclosure is necessary for the
29 protection of a dependent adult's resources, the department
30 may disclose the initiation and status of the dependent
31 adult abuse evaluation to the dependent adult's bank, savings
32 association, credit union, broker-dealer as defined in section
33 502.102, subsection 4, investment advisor as defined in section
34 502.102, subsection 15, financial advisor, or other financial
35 institution, or the administrator as defined in section

1 502.102, subsection 1.

2 10. The department shall inform the appropriate county
3 attorneys of any reports of dependent adult abuse. The
4 department may request information from any person believed
5 to have knowledge of a case of dependent adult abuse. The
6 person, including but not limited to a county attorney, a law
7 enforcement agency, a multidisciplinary team, a social services
8 agency in the state, or any person who is required pursuant
9 to subsection 2 to report dependent adult abuse, whether or
10 not the person made the specific dependent adult abuse report,
11 shall cooperate and assist in the evaluation upon the request
12 of the department. If the department's assessment reveals
13 that dependent adult abuse exists which might constitute a
14 criminal offense, a report shall be made to the appropriate
15 law enforcement agency. County attorneys and appropriate law
16 enforcement agencies shall also take any other lawful action
17 necessary or advisable for the protection of the dependent
18 adult.

19 a. If, upon completion of the evaluation or upon referral
20 from the department of inspections and appeals, the department
21 determines that the best interests of the dependent adult
22 require court action, the department shall initiate action for
23 the appointment of a guardian or conservator or for admission
24 or commitment to an appropriate institution or facility
25 pursuant to the applicable procedures under chapter 125, 222,
26 229, or 633, or shall pursue other remedies provided by law.
27 The appropriate county attorney shall assist the department in
28 the preparation of the necessary papers to initiate the action
29 and shall appear and represent the department at all district
30 court proceedings.

31 b. The department shall assist the court during all stages
32 of court proceedings involving a suspected case of dependent
33 adult abuse.

34 c. In every case involving abuse which is substantiated
35 by the department and which results in a judicial proceeding

1 on behalf of the dependent adult, legal counsel shall be
2 appointed by the court to represent the dependent adult in
3 the proceedings. The court may also appoint a guardian ad
4 litem to represent the dependent adult if necessary to protect
5 the dependent adult's best interests. The same attorney may
6 be appointed to serve both as legal counsel and as guardian
7 ad litem. Before legal counsel or a guardian ad litem is
8 appointed pursuant to this section, the court shall require
9 the dependent adult and any person legally responsible for
10 the support of the dependent adult to complete under oath
11 a detailed financial statement. If, on the basis of that
12 financial statement, the court deems that the dependent adult
13 or the legally responsible person is able to bear all or a
14 portion of the cost of the legal counsel or guardian ad litem,
15 the court shall so order. In cases where the dependent adult
16 or the legally responsible person is unable to bear the cost
17 of the legal counsel or guardian ad litem, the expense shall
18 be paid by the county.

19 11. A person participating in good faith in reporting or
20 cooperating with or assisting the department in evaluating a
21 case of dependent adult abuse has immunity from liability,
22 civil or criminal, which might otherwise be incurred or
23 imposed based upon the act of making the report or giving the
24 assistance. The person has the same immunity with respect to
25 participating in good faith in a judicial proceeding resulting
26 from the report or cooperation or assistance or relating to the
27 subject matter of the report, cooperation, or assistance.

28 12. It shall be unlawful for any person or employer
29 to discharge, suspend, or otherwise discipline a person
30 required to report or voluntarily reporting an instance of
31 suspected dependent adult abuse pursuant to subsection 2 or
32 5, or cooperating with, or assisting the department ~~of human~~
33 ~~services~~ in evaluating a case of dependent adult abuse, or
34 participating in judicial proceedings relating to the reporting
35 or cooperation or assistance based solely upon the person's

1 reporting or assistance relative to the instance of dependent
2 adult abuse. A person or employer found in violation of this
3 subsection is guilty of a simple misdemeanor.

4 13. A person required by this section to report a suspected
5 case of dependent adult abuse who knowingly and willfully fails
6 to do so commits a simple misdemeanor. A person required by
7 this section to report a suspected case of dependent adult
8 abuse who knowingly fails to do so or who knowingly, in
9 violation of subsection 3, interferes with the making of such a
10 report or applies a requirement that results in such a failure
11 is civilly liable for the damages proximately caused by the
12 failure.

13 14. The department of inspections and appeals shall adopt
14 rules which require facilities or programs to separate an
15 alleged dependent adult abuser from a victim following an
16 allegation of perpetration of abuse and prior to the completion
17 of an investigation of the allegation.

18 Sec. 718. Section 235B.5, Code 2023, is amended to read as
19 follows:

20 **235B.5 Creation and maintenance of a central registry.**

21 1. There is created within the department a central registry
22 for dependent adult abuse information. The department shall
23 organize and staff the registry and adopt rules for its
24 operation.

25 2. The registry shall collect, maintain, and disseminate
26 dependent adult abuse information as provided in this chapter.

27 3. The department shall maintain a toll-free telephone
28 line, which shall be available on a twenty-four-hour-a-day,
29 seven-day-a-week basis and which the department and all other
30 persons may use to report cases of suspected dependent adult
31 abuse and that all persons authorized by this chapter may use
32 for obtaining dependent adult abuse information.

33 4. An oral report of suspected dependent adult abuse
34 initially made to the central registry shall be immediately
35 transmitted by the department to the appropriate county

1 department of human services or law enforcement agency, or
2 both.

3 5. An oral report of suspected dependent adult abuse
4 initially made to the central registry regarding a facility or
5 program as defined in section 235E.1 shall be transmitted by
6 the department to the department of inspections and appeals on
7 the first working day following the submitting of the report.

8 6. The registry, upon receipt of a report of suspected
9 dependent adult abuse, shall search the records of the
10 registry, and if the records of the registry reveal any
11 previous report of dependent adult abuse involving the same
12 adult or if the records reveal any other pertinent information
13 with respect to the same adult, the ~~appropriate office of the~~
14 ~~department of human services~~ or the appropriate law enforcement
15 agency shall be immediately notified of that fact.

16 7. The central registry shall include but not be limited to
17 report data, investigation data, and disposition data.

18 Sec. 719. Section 235B.6, Code 2023, is amended to read as
19 follows:

20 **235B.6 Authorized access.**

21 1. Notwithstanding chapter 22, the confidentiality of all
22 dependent adult abuse information shall be maintained, except
23 as specifically provided by subsections 2 and 3.

24 2. Access to dependent adult abuse information other than
25 unfounded dependent adult abuse information is authorized only
26 to the following persons:

27 a. A subject of a report including all of the following:

28 (1) To an adult named in a report as a victim of abuse or to
29 the adult's attorney or guardian ad litem.

30 (2) To a guardian or legal custodian, or that person's
31 attorney, of an adult named in a report as a victim of abuse.

32 (3) To the person or the attorney for the person named in a
33 report as having abused an adult.

34 b. A person involved in an investigation of dependent adult
35 abuse including all of the following:

1 (1) A health practitioner or mental health professional
2 who is examining, attending, or treating an adult whom such
3 practitioner or professional believes or has reason to believe
4 has been the victim of abuse or to a health practitioner or
5 mental health professional whose consultation with respect to
6 an adult believed to have been the victim of abuse is requested
7 by the department.

8 (2) An employee or agent of the department responsible for
9 the investigation of a dependent adult abuse report or for the
10 purpose of performing record checks as required under section
11 135C.33.

12 (3) A representative of the department involved in the
13 certification or accreditation of an agency or program
14 providing care or services to a dependent adult believed to
15 have been a victim of abuse.

16 (4) A law enforcement officer responsible for assisting in
17 an investigation of a dependent adult abuse allegation.

18 (5) A multidisciplinary team, if the department ~~of human~~
19 ~~services~~ approves the composition of the multidisciplinary team
20 and determines that access to the team is necessary to assist
21 the department in the investigation, diagnosis, assessment, and
22 disposition of a case of dependent adult abuse.

23 (6) The mandatory reporter who reported the dependent adult
24 abuse in an individual case.

25 (7) Each board specified under chapter 147 and the ~~Iowa~~
26 ~~department of public health~~ for the purpose of licensure,
27 certification or registration, disciplinary investigation, or
28 the renewal of licensure, certification or registration, or
29 disciplinary proceedings of health care professionals.

30 c. A person providing care to an adult including all of the
31 following:

32 (1) A licensing authority for a facility, including a
33 facility or program defined in section 235E.1, providing care
34 to an adult named in a report.

35 (2) A person authorized as responsible for the care or

1 supervision of an adult named in a report as a victim of abuse
2 or a person named in a report as having abused an adult if
3 the court or registry deems access to dependent adult abuse
4 information by such person to be necessary.

5 (3) An employee or agent of the department responsible
6 for registering or licensing or approving the registration or
7 licensing of a person, or to an individual providing care to an
8 adult and regulated by the department.

9 (4) The legally authorized protection and advocacy agency
10 recognized pursuant to section 135C.2 if a person identified in
11 the information as a victim or a perpetrator of abuse resided
12 in or receives services from a facility, including a facility
13 or program defined in section 235E.1, or agency because the
14 person is diagnosed as having a developmental disability or a
15 mental illness.

16 (5) To an administrator of an agency certified by the
17 department of ~~human services~~ to provide services under a
18 medical assistance home and community-based services waiver,
19 if the information concerns a person employed by or being
20 considered by the agency for employment.

21 (6) To the administrator of an agency providing mental
22 health, intellectual disability, or developmental disability
23 services under a regional service system management plan
24 implemented in accordance with section 331.393, if the
25 information concerns a person employed by or being considered
26 by the agency for employment.

27 (7) To an administrator of a hospital licensed under chapter
28 135B if the data concerns a person employed or being considered
29 for employment by the hospital.

30 (8) An employee of an agency requested by the department
31 to provide case management or other services to the dependent
32 adult.

33 d. Relating to judicial and administrative proceedings,
34 persons including all of the following:

35 (1) A court upon a finding that information is necessary

1 for the resolution of an issue arising in any phase of a case
2 involving dependent adult abuse.

3 (2) A court or agency hearing an appeal for correction
4 of dependent adult abuse information as provided in section
5 235B.10.

6 (3) An expert witness or a witness who testifies at any
7 stage of an appeal necessary for correction of dependent adult
8 abuse information as provided in section 235B.10.

9 (4) A court or administrative agency making a determination
10 regarding an unemployment compensation claim pursuant to
11 section 96.6.

12 (5) To a juvenile court involved in an adjudication or
13 disposition of a child that is the subject of a guardianship
14 proceeding under chapter 232D.

15 (6) To a district court upon a finding that data is
16 necessary for the resolution of an issue arising in any phase
17 of a case involving proceedings for a child guardianship under
18 chapter 232D.

19 e. Other persons including all of the following:

20 (1) A person conducting bona fide research on dependent
21 adult abuse, but without information identifying individuals
22 named in a dependent adult abuse report, unless having that
23 information open to review is essential to the research or
24 evaluation and the authorized registry officials give prior
25 written approval and the adult, the adult's guardian or
26 guardian ad litem, and the person named in a report as having
27 abused an adult give permission to release the information.

28 (2) Registry or department personnel when necessary to the
29 performance of their official duties or a person or agency
30 under contract with the department to carry out official duties
31 and functions of the registry.

32 (3) The department of justice for the sole purpose of the
33 filing of a claim for reparation pursuant to sections 915.21
34 and 915.84.

35 (4) A legally constituted adult protection agency of

1 another state which is investigating or treating an adult named
2 in a report as having been abused.

3 (5) The office of the attorney general.

4 (6) A health care facility administrator or the
5 administrator's designee, following the appeals process, for
6 the purpose of hiring staff or continued employment of staff.

7 (7) To the administrator of an agency providing care to a
8 dependent adult in another state, for the purpose of performing
9 an employment background check.

10 (8) To the superintendent, or the superintendent's
11 designee, of a school district or to the authorities in charge
12 of an accredited nonpublic school for purposes of a volunteer
13 or employment record check.

14 (9) The department of inspections and appeals for purposes
15 of record checks of applicants for employment with the
16 department of inspections and appeals.

17 (10) The state or a local long-term care ombudsman if the
18 victim resides in or the alleged perpetrator is an employee of
19 a long-term care facility as defined in section 231.4.

20 (11) The state office or local office of public guardian as
21 defined in section 231E.3, if the information relates to the
22 provision of legal services for a client served by the state or
23 local office of public guardian.

24 (12) A nursing program that is approved by the state board
25 of nursing under section 152.5, if the information relates to a
26 record check performed pursuant to section 152.5A.

27 (13) To the board of educational examiners created under
28 chapter 272 for purposes of determining whether a license,
29 certificate, or authorization should be issued, denied, or
30 revoked.

31 (14) The department ~~on-aging~~ for the purposes of conducting
32 background checks of applicants for employment with the
33 department ~~on-aging~~.

34 (15) To the Iowa veterans home for purposes of record checks
35 of potential volunteers and volunteers in the Iowa veterans

1 home.

2 (16) To the administrator of a certified nurse aide program,
3 if the data relates to a record check of a student of the
4 program performed pursuant to section 135C.33.

5 (17) To the administrator of a juvenile detention or shelter
6 care home, if the data relates to a record check of an existing
7 or prospective employee, resident, or volunteer for or in the
8 home.

9 (18) To the employer or prospective employer of a school bus
10 driver for purposes of an employment record check.

11 (19) To a free clinic as defined in section 135.24A for
12 purposes of record checks of potential volunteers and existing
13 volunteers at the free clinic.

14 (20) To a bank, savings association, credit union,
15 broker-dealer as defined in section 502.102, subsection 4,
16 investment advisor as defined in section 502.102, subsection
17 15, financial advisor, or other financial institution as deemed
18 necessary by the department to protect the dependent adult's
19 resources.

20 (21) To the social security administration.

21 (22) To the administrator as defined in section 502.102,
22 subsection 1.

23 *f.* To a person who submits written authorization from
24 an individual allowing the person access to information on
25 the determination only on whether or not the individual who
26 authorized the access is named in a founded dependent adult
27 abuse report as having abused a dependent adult.

28 3. Access to unfounded dependent adult abuse information is
29 authorized only to those persons identified in subsection 2,
30 paragraph "a", paragraph "b", subparagraphs (2), (5), and (6),
31 and paragraph "e", subparagraphs (2), (5), (10), (20), (21), and
32 (22).

33 Sec. 720. Section 235B.16, Code 2023, is amended to read as
34 follows:

35 **235B.16 Information, education, and training requirements.**

1 1. The department ~~on aging, in cooperation with the~~
2 ~~department,~~ shall conduct a public information and education
3 program. The elements and goals of the program include but are
4 not limited to:

5 a. Informing the public regarding the laws governing
6 dependent adult abuse and the reporting requirements for
7 dependent adult abuse.

8 b. Providing caretakers with information regarding services
9 to alleviate the emotional, psychological, physical, or
10 financial stress associated with the caretaker and dependent
11 adult relationship.

12 c. Affecting public attitudes regarding the role of a
13 dependent adult in society.

14 2. The department, in cooperation with the department ~~on~~
15 ~~aging and the department~~ of inspections and appeals, shall
16 institute a program of education and training for persons,
17 including members of provider groups and family members, who
18 may come in contact with dependent adult abuse. The program
19 shall include but is not limited to instruction regarding
20 recognition of dependent adult abuse and the procedure for the
21 reporting of suspected abuse.

22 3. The content of the continuing education required
23 pursuant to chapter 272C for a licensed professional providing
24 care or service to a dependent adult shall include, but is
25 not limited to, the responsibilities, obligations, powers,
26 and duties of a person regarding the reporting of suspected
27 dependent adult abuse, and training to aid the professional in
28 identifying instances of dependent adult abuse.

29 4. The department of inspections and appeals shall provide
30 training to investigators regarding the collection and
31 preservation of evidence in the case of suspected dependent
32 adult abuse.

33 5. a. For the purposes of this subsection, "*licensing*
34 *board*" means a board designated in section 147.13, the board of
35 educational examiners created in section 272.2, or a licensing

1 board as defined in section 272C.1.

2 *b.* A person required to report cases of dependent adult
3 abuse pursuant to sections 235B.3 and 235E.2, other than a
4 physician whose professional practice does not regularly
5 involve providing primary health care to adults, shall
6 complete two hours of training relating to the identification
7 and reporting of dependent adult abuse within six months of
8 initial employment or self-employment which involves the
9 examination, attending, counseling, or treatment of adults
10 on a regular basis. Within one month of initial employment
11 or self-employment, the person shall obtain a statement of
12 the abuse reporting requirements from the person's employer
13 or, if self-employed, from the department. The person shall
14 complete at least two hours of additional dependent adult abuse
15 identification and reporting training every three years. If
16 the person completes at least one hour of additional dependent
17 adult abuse identification and reporting training prior to the
18 three-year expiration period, the person shall be deemed in
19 compliance with the training requirements of this section for
20 an additional three years.

21 *c.* The core training curriculum relating to the
22 identification and reporting of dependent adult abuse, as
23 provided in paragraph "b", shall be developed by the department
24 pursuant to subsection 2 and provided by the department.

25 *d.* An employer of a person required to report cases
26 of dependent adult abuse pursuant to sections 235B.3 and
27 235E.2 may provide supplemental training, specific to the
28 identification and reporting of dependent adult abuse as it
29 relates to the person's professional practice, in addition to
30 the core training provided by the department.

31 *e.* A licensing board with authority over the license of
32 a person required to report cases of dependent adult abuse
33 pursuant to sections 235B.3 and 235E.2 shall require as a
34 condition of licensure that the person is in compliance with
35 the requirements for abuse training under this subsection.

1 The licensing board shall require the person upon licensure
2 renewal to accurately document for the licensing board the
3 person's completion of the training requirements. However,
4 the licensing board may adopt rules providing for waiver or
5 suspension of the compliance requirements, if the waiver or
6 suspension is in the public interest, applicable to a person
7 who is engaged in active duty in the military service of this
8 state or of the United States, to a person for whom compliance
9 with the training requirements would impose a significant
10 hardship, or to a person who is practicing a licensed
11 profession outside this state or is otherwise subject to
12 circumstances that would preclude the person from encountering
13 dependent adult abuse in this state.

14 *f.* For persons required to report cases of dependent
15 adult abuse pursuant to sections 235B.3 and 235E.2, who are
16 not engaged in a licensed profession that is subject to the
17 authority of a licensing board but are employed by a facility
18 or program subject to licensure, registration, or approval by a
19 state agency, the agency shall require as a condition of the
20 renewal of the facility's or program's licensure, registration,
21 or approval, that such persons employed by the facility or
22 program are in compliance with the training requirements of
23 this subsection.

24 *g.* For peace officers, the elected or appointed official
25 designated as the head of the agency employing the peace
26 officer shall ensure compliance with the training requirements
27 of this subsection.

28 *h.* For persons required to report cases of dependent adult
29 abuse pursuant to sections 235B.3 and 235E.2 who are employees
30 of state departments and political subdivisions of the state,
31 the department director or the chief administrator of the
32 political subdivision shall ensure the persons' compliance with
33 the training requirements of this subsection.

34 6. The department shall require an educational program for
35 employees of the registry on the proper use and control of

1 dependent adult abuse information.

2 Sec. 721. Section 235B.16A, Code 2023, is amended to read
3 as follows:

4 **235B.16A Dependent adults — dependency assessments —**
5 **interagency training.**

6 1. The dependent adult protective advisory council
7 established pursuant to section 235B.1 shall recommend a
8 uniform assessment instrument and process for adoption and use
9 by the department ~~of human services~~ and other agencies involved
10 with assessing a dependent adult's degree of dependency
11 and determining whether dependent adult abuse has occurred.
12 However, this section shall not apply to dependent adult abuse
13 assessments and determinations made under chapter 235E.

14 2. The instrument and process design under subsection 1
15 shall address but is not limited to all of the following:

16 a. Evaluation of conformity with applicable federal law and
17 regulations on the part of the persons employing, housing, or
18 providing services to the dependent adult.

19 b. Provision for the final step in the dependency assessment
20 of a dependent adult to be a formal assessment of the existence
21 of risk to the health or safety of the individual or of the
22 degree of the individual's impairment in ability under the
23 definition of dependent adult in section 235B.2.

24 c. If the assessment under paragraph "b" determines that a
25 risk to the health or safety of the individual exists or the
26 individual has a significant impairment in ability, and the
27 individual being assessed agrees, provision for a case manager
28 to be assigned to assist in preparing and implementing a safety
29 plan which includes protective services for the individual.

30 d. If the assessment under paragraph "b" determines that
31 a risk to the health or safety of the individual exists or
32 the individual has a significant impairment in ability, the
33 individual being assessed does not agree to the safety plan
34 provisions under paragraph "c" or accept other services, and
35 the options available under sections 235B.17, 235B.18, and

1 235B.19 are not utilized, provision for the department ~~of human~~
2 ~~services~~ to maintain periodic contact with the individual in
3 accordance with rules adopted for this purpose. The purpose
4 of the contact is to assess any increased risk or impairment
5 and to monitor the individual's goals, feelings, and concerns
6 so that the department can intervene when necessary or
7 offer services and other support to maintain or sustain the
8 individual's safety and independence when the individual is
9 ready to agree to a safety plan or accept services.

10 3. The department ~~of human services~~ and other agencies
11 involved with assessing a dependent adult's degree of
12 dependency and whether dependent adult abuse has occurred shall
13 adopt rules and take other steps necessary to implement the
14 uniform assessment instrument and process addressed by this
15 section on or before July 1, 2010.

16 4. The department ~~of human services~~ shall cooperate with
17 the ~~department on aging,~~ the departments of inspections
18 and appeals, ~~public health,~~ public safety, and workforce
19 development, the civil rights commission, and other state and
20 local agencies performing inspections or otherwise visiting
21 residential settings where dependent adults live, to regularly
22 provide training to the appropriate staff in the agencies
23 concerning each agency's procedures involving dependent
24 adults, and to build awareness concerning dependent adults and
25 reporting of dependent adult abuse.

26 Sec. 722. Section 235E.2, subsection 1, paragraphs a and c,
27 Code 2023, are amended to read as follows:

28 a. The department shall receive and evaluate reports
29 of dependent adult abuse in facilities and programs. The
30 department shall inform the department of health and human
31 services of such evaluations and dispositions and those
32 individuals who should be placed on the central registry for
33 dependent adult abuse pursuant to section 235E.7. If the
34 department believes the situation involves an immediate danger
35 to the public health, safety, or welfare requiring immediate

1 agency action to seek emergency placement on the central
2 registry, the department may utilize emergency adjudicative
3 proceedings pursuant to section 17A.18A.

4 c. A report of dependent adult abuse that meets the
5 definition of dependent adult abuse under section 235E.1,
6 subsection 5, paragraph "a", subparagraph (1), subparagraph
7 division (a) or (d), or section 235E.1, subsection 5, paragraph
8 "a", subparagraph (3), which the department determines is
9 minor, isolated, and unlikely to reoccur shall be collected
10 and maintained by the department of health and human services
11 as an assessment only for a five-year period and shall not be
12 included in the central registry and shall not be considered
13 to be founded dependent adult abuse. A subsequent report of
14 dependent adult abuse that meets the definition of dependent
15 adult abuse under section 235E.1, subsection 5, paragraph "a",
16 subparagraph (1), subparagraph division (a) or (d), or section
17 235E.1, subsection 5, paragraph "a", subparagraph (3), that
18 occurs within the five-year period, and that is committed by
19 the caretaker responsible for the act or omission which was the
20 subject of the previous report of dependent adult abuse which
21 the department determined was minor, isolated, and unlikely to
22 reoccur, may be considered minor, isolated, and unlikely to
23 reoccur depending on the circumstances of the report.

24 Sec. 723. Section 235E.2, subsection 5, Code 2023, is
25 amended to read as follows:

26 5. Any other person who believes that a dependent adult
27 has suffered dependent adult abuse may report the suspected
28 dependent adult abuse to the department of inspections and
29 appeals. The department of inspections and appeals shall
30 transfer any reports received of dependent adult abuse in the
31 community to the department of health and human services. The
32 department of health and human services shall transfer any
33 reports received of dependent adult abuse in facilities or
34 programs to the department of inspections and appeals.

35 Sec. 724. Section 235E.2, subsection 6, paragraph a, Code

1 2023, is amended to read as follows:

2 a. If, upon completion of an investigation, the department
3 determines that the best interests of the dependent adult
4 require court action, the department shall notify the
5 department of health and human services of the potential need
6 for a guardian or conservator or for admission or commitment
7 to an appropriate institution or facility pursuant to the
8 applicable procedures under chapter 125, 222, 229, or 633, or
9 shall pursue other remedies provided by law. The appropriate
10 county attorney shall assist the department of health and human
11 services in the preparation of the necessary papers to initiate
12 the action and shall appear and represent the department of
13 health and human services at all district court proceedings.

14 Sec. 725. Section 235F.6, subsection 4, Code 2023, is
15 amended to read as follows:

16 4. The court may approve a consent agreement between the
17 parties entered into to bring about the cessation of elder
18 abuse. A consent agreement approved under this section shall
19 not contain any of the following:

20 a. A provision that prohibits any party to the action
21 from contacting or cooperating with any government agency
22 including the department of health and human services, the
23 department of inspections and appeals, ~~the department on aging,~~
24 the department of justice, law enforcement, and the office of
25 long-term care ombudsman; a licensing or regulatory agency
26 that has jurisdiction over any license or certification held
27 by the defendant; a protection and advocacy agency recognized
28 in section 135C.2; or the defendant's current employer if the
29 defendant's professional responsibilities include contact with
30 vulnerable elders, dependent adults, or minors, if the party
31 contacting or cooperating has a good-faith belief that the
32 information is relevant to the duties or responsibilities of
33 the entity.

34 b. A provision that prohibits any party to the action from
35 filing a complaint with or reporting a violation of law to

1 any government agency including the department of health and
 2 human services, the department of inspections and appeals,
 3 ~~the department on aging,~~ the department of justice, law
 4 enforcement, and the office of long-term care ombudsman; a
 5 licensing or regulatory agency that has jurisdiction over any
 6 license or certification held by the defendant; a protection
 7 and advocacy agency recognized in section 135C.2; or the
 8 defendant's current employer.

9 c. A provision that requires any party to the action to
 10 withdraw a complaint filed with or a violation reported to
 11 any government agency including the department of health and
 12 human services, the department of inspections and appeals,
 13 ~~the department on aging,~~ the department of justice, law
 14 enforcement, and the office of long-term care ombudsman; a
 15 licensing or regulatory agency that has jurisdiction over any
 16 license or certification held by the defendant; a protection
 17 and advocacy agency recognized in section 135C.2; or the
 18 defendant's current employer.

19 Sec. 726. Section 237.1, Code 2023, is amended to read as
 20 follows:

21 **237.1 Definitions.**

22 As used in this chapter:

23 ~~1. "Administrator" means the administrator of that division~~
 24 ~~of the department designated by the director of human services~~
 25 ~~to administer this chapter or the administrator's designee.~~

26 ~~2. 1. "Agency" means a person, as defined in section 4.1,~~
 27 ~~subsection 20, which provides child foster care and which does~~
 28 ~~not meet the definition of an individual in subsection 7 as~~
 29 ~~defined under this section.~~

30 ~~3. 2. "Child" means child as defined in section 234.1,~~
 31 ~~subsection 2.~~

32 ~~4. 3. "Child foster care" means the provision of parental~~
 33 ~~nurturing, including but not limited to the furnishing of~~
 34 ~~food, lodging, training, education, supervision, treatment,~~
 35 ~~or other care, to a child on a full-time basis by a person,~~

1 including a relative of the child if the relative is licensed
2 under this chapter, but not including a guardian of the child.
3 "*Child foster care*" does not include any of the following care
4 situations:

5 *a.* Care furnished by an individual person who receives the
6 child of a personal friend as an occasional and personal guest
7 in the individual person's home, free of charge and not as a
8 business.

9 *b.* Care furnished by an individual person with whom a child
10 has been placed for lawful adoption, unless that adoption is
11 not completed within two years after placement.

12 *c.* Care furnished by a private boarding school subject to
13 approval by the state board of education pursuant to section
14 256.11.

15 *d.* Child care furnished by a child care center, a child
16 development home, or a child care home as defined in section
17 237A.1.

18 *e.* Care furnished in a hospital licensed under chapter 135B
19 or care furnished in a nursing facility licensed under chapter
20 135C.

21 *f.* Care furnished by a relative of a child or an individual
22 person with a meaningful relationship with the child where the
23 child is not under the placement, care, or supervision of the
24 department.

25 4. "*Council*" means the council on health and human services.

26 5. "*Department*" means the department of health and human
27 services.

28 6. "*Director*" means the director of health and human
29 services.

30 7. "*Facility*" means the personnel, program, physical plant,
31 and equipment of a licensee.

32 ~~7.~~ 8. "*Individual*" means an individual person or a married
33 couple who provides child foster care in a single-family home
34 environment and which does not meet the definition of an agency
35 ~~in subsection 2~~ under this section.

1 8- 9. "*Licensee*" means an individual or an agency licensed
 2 ~~by the administrator~~ under this chapter.

3 9- 10. "*Reasonable and prudent parent standard*" means
 4 the standard characterized by careful and sensible parenting
 5 decisions that maintain the health, safety, and best interests
 6 of a child, while at the same time encouraging the emotional
 7 and developmental growth of a child, that a caregiver shall
 8 use when determining whether to allow a child in foster care
 9 under the placement, care, or supervision of the department to
 10 participate in extracurricular, enrichment, cultural, or social
 11 activities. For the purposes of this subsection, "*caregiver*"
 12 means an individual or an agency licensed under this chapter
 13 with which a child in foster care has been placed or a juvenile
 14 shelter care home approved under chapter 232 in which a child
 15 in foster care has been placed.

16 Sec. 727. Section 237.3, Code 2023, is amended to read as
 17 follows:

18 **237.3 Rules.**

19 1. Except as otherwise provided by subsections 3 and 4,
 20 the ~~administrator~~ department shall promulgate, after their
 21 adoption by the council ~~on human services~~, and enforce in
 22 accordance with chapter 17A, administrative rules necessary
 23 to implement this chapter. Formulation of the rules shall
 24 include consultation with representatives of child foster care
 25 providers, and other persons affected by this chapter. The
 26 rules shall encourage the provision of child foster care in a
 27 single-family, home environment, exempting the single-family,
 28 home facility from inappropriate rules.

29 2. Rules applicable to licensees shall include but are not
 30 limited to:

31 a. Types of facilities which include but are not limited to
 32 group foster care facilities and family foster care homes.

33 b. The number, qualifications, character, and parenting
 34 ability of personnel necessary to assure the health, safety and
 35 welfare of children receiving child foster care.

1 *c.* Programs for education and in-service training of
2 personnel.

3 *d.* The physical environment of a facility.

4 *e.* Policies for intake, assessment, admission and discharge.

5 *f.* Housing, health, safety, and medical care policies
6 for children receiving child foster care. The medical care
7 policies shall include but are not limited to all of the
8 following:

9 (1) Provision by the department to the foster care provider
10 at or before the time of a child's placement of the child's
11 health records and any other information possessed or known
12 about the health of the child or about a member of the child's
13 family that pertains to the child's health.

14 (2) If the health records supplied in accordance with
15 the child's case permanency plan to the foster care provider
16 are incomplete or the provider requests specific health
17 information, provision for obtaining additional health
18 information from the child's parent or other source and
19 supplying the additional information to the foster care
20 provider.

21 (3) Provision for emergency health coverage of the child
22 while the child is engaged in temporary out-of-state travel
23 with the child's foster family.

24 *g.* (1) The adequacy of programs available to children
25 receiving child foster care provided by agencies, including but
26 not limited to:

27 (a) Dietary services.

28 (b) Social services.

29 (c) Activity programs.

30 (d) Behavior management procedures.

31 (e) Educational programs, including special education
32 as defined in section 256B.2, subsection 1, paragraph "b",
33 where appropriate, which are approved by the state board of
34 education.

35 (2) The department shall not promulgate rules which

1 regulate individual licensees in the subject areas enumerated
2 in this paragraph "g".

3 *h.* Policies for involvement of biological parents.

4 *i.* Records a licensee is required to keep, and reports a
5 licensee is required to make to the ~~administrator~~ department.

6 *j.* Prior to the licensing of an individual as a foster
7 family home, a required, written social assessment of the
8 quality of the living situation in the home of the individual,
9 and a required compilation of personal references for the
10 individual other than those references given by the individual.

11 *k.* Elements of a foster care placement agreement outlining
12 rights and responsibilities associated with an individual
13 providing family foster care. The rights and responsibilities
14 shall include but are not limited to all of the following:

15 (1) Receiving information prior to the child's placement
16 regarding risk factors concerning the child that are known to
17 the department, including but not limited to notice if the
18 child is required to register under chapter 692A.

19 (2) Having regularly scheduled meetings with each case
20 manager assigned to the child.

21 (3) Receiving access to any reports prepared by a service
22 provider who is working with the child unless the access is
23 prohibited by state or federal law.

24 3. Rules governing fire safety in facilities with child
25 foster care provided by agencies shall be promulgated by the
26 state fire marshal pursuant to section 100.1, subsection 5,
27 after consultation with the ~~administrator~~ director.

28 4. Rules governing sanitation, water and waste disposal
29 standards for facilities shall be promulgated by the ~~Iowa~~
30 ~~department of public health~~ pursuant to section 135.11,
31 ~~subsection 12~~, after consultation with the ~~administrator~~
32 director.

33 5. In case of a conflict between rules promulgated pursuant
34 to subsections 3 and 4 and local rules, the more stringent
35 requirement applies.

1 6. Rules of the department shall not prohibit the licensing,
2 as foster family homes, of individuals who are departmental
3 employees not directly engaged in the administration of the
4 child foster care program pursuant to this chapter.

5 7. If an agency is accredited by the joint commission
6 on the accreditation of health care organizations under the
7 commission's consolidated standards for residential settings
8 or by the council on accreditation of services for families
9 and children, the department shall modify facility licensure
10 standards applied to the agency in order to avoid duplicating
11 standards applied through accreditation.

12 8. The department, in consultation with the judicial
13 branch, ~~the division of criminal and juvenile justice planning~~
14 ~~of the department of human rights~~, residential treatment
15 providers, the foster care provider association, and other
16 parties which may be affected, shall review the licensing rules
17 pertaining to residential treatment facilities, and examine
18 whether the rules allow the facilities to accept and provide
19 effective treatment to juveniles with serious problems who
20 might not otherwise be placed in those facilities.

21 9. The department shall adopt rules specifying the elements
22 of a preadoptive care agreement outlining the rights and
23 responsibilities associated with a person providing preadoptive
24 care, as defined in section 232.2.

25 10. The department shall adopt rules to administer the
26 exception to the definition of child care in section 237A.1,
27 subsection 3, paragraph "1", allowing a child care facility, for
28 purposes of providing respite care to a foster family home, to
29 provide care, supervision, or guidance of a child for a period
30 of twenty-four hours or more who is placed with the licensed
31 foster family home.

32 Sec. 728. Section 237.4, Code 2023, is amended to read as
33 follows:

34 **237.4 License required — exceptions.**

35 An individual or an agency, as defined in section 237.1,

1 shall not provide child foster care unless the individual or
2 agency obtains a license issued ~~by the administrator~~ under this
3 chapter. However, a license is not required of the following:

4 1. An individual providing child foster care for a total of
5 not more than twenty days in one calendar year.

6 2. A residential care facility licensed under chapter 135C
7 which is approved for the care of children.

8 3. A hospital licensed under chapter 135B.

9 4. A health care facility licensed under chapter 135C.

10 5. A juvenile detention home or juvenile shelter care home
11 approved under section 232.142.

12 6. An institution listed in section 218.1.

13 7. A facility licensed under chapter 125.

14 8. An individual providing child care as a babysitter at the
15 request of a parent, guardian or relative having lawful custody
16 of the child.

17 Sec. 729. Section 237.5, Code 2023, is amended to read as
18 follows:

19 **237.5 License application and issuance — denial, suspension,**
20 **or revocation — provisional licenses.**

21 1. An individual or an agency shall apply for a license
22 by completing an application to the ~~administrator~~ department
23 upon forms furnished by the ~~administrator~~ department. The
24 ~~administrator~~ department shall issue or reissue a license if
25 the ~~administrator~~ department determines that the applicant or
26 licensee is or upon commencing operation will provide child
27 foster care in compliance with this chapter. An initial
28 license for an individual is valid for one year from the date
29 of issuance. After the first two years of licensure, a license
30 for an individual is valid for two years from the most recent
31 date of issuance except that the ~~administrator~~ department,
32 within the ~~administrator's~~ director's discretion and based upon
33 the performance of the licensee, may require annual renewal
34 of the license or may issue a provisional license pursuant to
35 subsection 3. A license for an agency is valid for up to three

1 years from the date of issuance for the period determined by
2 the ~~administrator~~ department in accordance with administrative
3 rules providing criteria for making the determination. The
4 license shall state on its face the name of the licensee, the
5 type of facility, the particular premises for which the license
6 is issued, and the number of children who may be cared for by
7 the facility on the premises at one time. The license shall
8 be posted in a conspicuous place in the physical plant of the
9 facility, except that if the facility is in a single-family
10 home the license may be kept where it is readily available for
11 examination upon request.

12 2. The ~~administrator~~ department, after notice and
13 opportunity for an evidentiary hearing, may deny an application
14 for a license, and may suspend or revoke a license, if the
15 applicant or licensee violates this chapter or the rules
16 promulgated pursuant to this chapter, or knowingly makes
17 a false statement concerning a material fact or conceals
18 a material fact on the license application or in a report
19 regarding operation of the facility submitted to the
20 ~~administrator~~ department.

21 3. The ~~administrator~~ department may issue a provisional
22 license for not more than one year to a licensee whose
23 facility does not meet the requirements of this chapter, if
24 written plans to bring the facility into compliance with the
25 applicable requirements are submitted to and approved by the
26 ~~administrator~~ department. The plans shall state a specific
27 time when compliance will be achieved. Only one provisional
28 license shall be issued for a facility by reason of the same
29 deficiency.

30 Sec. 730. Section 237.6, Code 2023, is amended to read as
31 follows:

32 **237.6 Restricted use of facility.**

33 A licensee shall not furnish child foster care in a building
34 or on premises not designated in the license. A licensee
35 shall not furnish child foster care to a greater number of

1 children than is designated in the license, unless authorized
2 by the administrator so authorizes department. Multiple
3 licenses authorizing separate and distinct parts of a facility
4 to provide different categories of child foster care may be
5 issued.

6 Sec. 731. Section 237.7, Code 2023, is amended to read as
7 follows:

8 **237.7 Reports and inspections.**

9 The ~~administrator~~ department may require submission of
10 reports by a licensee, and shall cause at least one annual
11 unannounced inspection of each facility to assess the quality
12 of the living situation and to determine compliance with
13 applicable requirements and standards. The inspections shall
14 be conducted by the department of inspections and appeals.
15 The director of the department of inspections and appeals
16 may examine records of a licensee, including but not limited
17 to corporate records and board minutes, and may inquire into
18 matters concerning a licensee and its employees relating to
19 requirements and standards for child foster care under this
20 chapter.

21 Sec. 732. Section 237.8, Code 2023, is amended to read as
22 follows:

23 **237.8 Personnel.**

24 1. A person shall not be allowed to provide services in a
25 facility if the person has a disease which is transmissible to
26 other persons through required contact in the workplace, which
27 presents a significant risk of infecting other persons, which
28 presents a substantial possibility of harming other persons, or
29 for which no reasonable accommodation can eliminate the risk of
30 infecting other persons.

31 2. a. (1) If a person is being considered for licensure
32 under this chapter, or for employment involving direct
33 responsibility for a child or in a facility where children
34 reside, by a licensee under this chapter, or if a person will
35 reside in a facility utilized by a licensee, and if the person

1 has been convicted of a crime or has a record of founded child
2 abuse, the record check evaluation system of the department
3 and the licensee for an employee of the licensee shall perform
4 an evaluation to determine whether the crime or founded
5 child abuse warrants prohibition of licensure, employment,
6 or residence in the facility. The ~~department~~ record check
7 evaluation system shall conduct criminal and child abuse record
8 checks in this state and may conduct these checks in other
9 states. The evaluation shall be performed in accordance with
10 procedures adopted for this purpose by the department.

11 (2) If the criminal and child abuse record checks conducted
12 in this state under subparagraph (1) for an individual being
13 considered for licensure under this chapter, or for employment
14 involving direct responsibility for a child or in a facility
15 where children reside, by a licensee under this chapter, or
16 for an individual who will reside in a facility utilized by
17 a licensee, have been completed and the individual either
18 does not have a record of crime or founded child abuse or the
19 ~~department's~~ record check evaluation system's evaluation of
20 the record has determined that prohibition of the individual's
21 licensure or employment is not warranted, the individual may
22 be provisionally approved for licensure or employment pending
23 the outcome of the fingerprint-based criminal history check
24 conducted pursuant to subparagraph (4).

25 (3) An individual being considered for licensure under this
26 chapter, or for employment involving direct responsibility for
27 a child or in a facility where children reside, by a licensee
28 under this chapter, or for an individual who will reside in a
29 facility utilized by a licensee, shall not be granted a license
30 or be employed and an evaluation shall not be performed under
31 this subsection if the individual has been convicted of any of
32 the following felony offenses:

33 (a) Within the five-year period preceding the application
34 date, a drug-related offense.

35 (b) Child endangerment or neglect or abandonment of a

1 dependent person.

2 (c) Domestic abuse.

3 (d) A crime against a child, including but not limited to
4 sexual exploitation of a minor.

5 (e) A forcible felony.

6 (4) If an individual is being considered for licensure under
7 this chapter, or for employment involving direct responsibility
8 for a child or in a facility where children reside, by a
9 licensee under this chapter, or if an individual will reside
10 in a facility utilized by a licensee, or if an individual is
11 subject to licensure under this chapter as a foster parent,
12 in addition to the record checks conducted under subparagraph
13 (1), the individual's fingerprints shall be provided to the
14 department of public safety for submission through the state
15 criminal history repository to the United States department
16 of justice, federal bureau of investigation for a national
17 criminal history check. The cost of the criminal history check
18 conducted under this subparagraph is the responsibility of the
19 department of ~~human services~~.

20 (5) If the criminal and child abuse record checks conducted
21 in this state under subparagraph (1) for an individual being
22 considered for licensure as a foster parent have been completed
23 and the individual either does not have a record of crime
24 or founded abuse or the department's record check evaluation
25 system's evaluation of the record has determined that
26 prohibition of the individual's licensure is not warranted, the
27 individual may be provisionally approved for licensure pending
28 the outcome of the fingerprint-based criminal history check
29 conducted pursuant to subparagraph (4).

30 (6) An individual applying to be a foster parent licensee
31 shall not be granted a license and an evaluation shall not be
32 performed under this subsection if the individual has been
33 convicted of any of the following felony offenses:

34 (a) Within the five-year period preceding the application
35 date, a drug-related offense.

1 (b) Child endangerment or neglect or abandonment of a
2 dependent person.

3 (c) Domestic abuse.

4 (d) A crime against a child, including but not limited to
5 sexual exploitation of a minor.

6 (e) A forcible felony.

7 b. Except as otherwise provided in paragraph "a", if the
8 ~~department~~ record check evaluation system determines that a
9 person has committed a crime or has a record of founded child
10 abuse and is licensed, employed by a licensee, or resides in a
11 licensed facility the ~~department~~ record check evaluation system
12 shall notify the licensee that an evaluation will be conducted
13 to determine whether prohibition of the person's licensure,
14 employment, or residence is warranted.

15 c. In an evaluation, the ~~department~~ record check evaluation
16 system and the licensee for an employee of the licensee shall
17 consider the nature and seriousness of the crime or founded
18 child abuse in relation to the position sought or held, the
19 time elapsed since the commission of the crime or founded child
20 abuse, the circumstances under which the crime or founded
21 child abuse was committed, the degree of rehabilitation, the
22 likelihood that the person will commit the crime or founded
23 child abuse again, and the number of crimes or founded child
24 abuses committed by the person involved. The ~~department~~ record
25 check evaluation system may permit a person who is evaluated
26 to be licensed, employed, or to reside, or to continue to be
27 licensed, employed, or to reside in a licensed facility, if the
28 person complies with the ~~department's~~ record check evaluation
29 system's conditions relating to the person's licensure,
30 employment, or residence, which may include completion of
31 additional training. For an employee of a licensee, these
32 conditional requirements shall be developed with the licensee.
33 The ~~department~~ record check evaluation system has final
34 authority in determining whether prohibition of the person's
35 licensure, employment, or residence is warranted and in

1 developing any conditional requirements under this paragraph.

2 ~~d.~~ If the ~~department~~ record check evaluation system
3 determines that the person has committed a crime or has a
4 record of founded child abuse which warrants prohibition of
5 licensure, employment, or residence, the person shall not be
6 licensed under this chapter and shall not be employed by a
7 licensee or reside in a licensed facility.

8 3. In addition to the record checks required under
9 subsection 2, the ~~department of human services~~ record check
10 evaluation system may conduct dependent adult abuse record
11 checks in this state and may conduct these checks in other
12 states, on a random basis. The provisions of subsection 2,
13 relative to an evaluation following a determination that a
14 person has been convicted of a crime or has a record of founded
15 child abuse, shall also apply to a random check conducted under
16 this subsection.

17 4. ~~On or after July 1, 1994, a~~ A licensee shall inform
18 all new applicants for employment of the possibility of the
19 performance of a record check and shall obtain, from the
20 applicant, a signed acknowledgment of the receipt of the
21 information.

22 5. ~~On or after July 1, 1994, a~~ A licensee shall include the
23 following inquiry in an application for employment:

24 Do you have a record of founded child or dependent adult abuse
25 or have you ever been convicted of a crime, in this state or any
26 other state?

27 Sec. 733. Section 237.13, Code 2023, is amended to read as
28 follows:

29 **237.13 Foster home insurance fund.**

30 1. For the purposes of this section, "*foster home*" means an
31 individual, as defined in section 237.1, subsection 7, who is
32 licensed to provide child foster care and shall also be known
33 as a "*licensed foster home*".

34 2. The foster home insurance fund shall be administered by
35 the department ~~of human services~~. The fund shall consist of

1 all moneys appropriated by the general assembly for deposit
2 in the fund. The department shall use moneys in the fund to
3 provide home and property coverage for foster parents to cover
4 damages to property resulting from the actions of a foster
5 child residing in a foster home or to reimburse foster parents
6 for the cost of purchasing foster care liability insurance and
7 to perform the administrative functions necessary to carry out
8 this section. The department may establish limitations of
9 liability for individual claims as deemed reasonable by the
10 department.

11 3. The department ~~of human services~~ shall adopt rules,
12 pursuant to chapter 17A, to carry out the provisions of this
13 section.

14 Sec. 734. Section 237.15, subsection 7, Code 2023, is
15 amended to read as follows:

16 7. *"Person or court responsible for the child"* means the
17 department, including but not limited to the department of
18 health and human services, the agency, or the individual who is
19 the guardian of a child by court order issued by the juvenile
20 or district court and has the responsibility of the care of the
21 child, or the court having jurisdiction over the child.

22 Sec. 735. Section 237.16, Code 2023, is amended to read as
23 follows:

24 **237.16 Child advocacy board — staff.**

25 1. The child advocacy board is created within the department
26 ~~of inspections and appeals~~. The state board consists of nine
27 members appointed by the governor, subject to confirmation
28 by the senate and directly responsible to the governor. One
29 member shall be an active court appointed special advocate
30 volunteer, one member shall be an active member of a local
31 citizen foster care review board, and one member shall be a
32 judicial branch employee or judicial officer appointed from
33 nominees submitted by the judicial branch. The appointment is
34 for a term of four years that begins and ends as provided in
35 section 69.19. Vacancies on the state board shall be filled in

1 the same manner as original appointments are made.

2 2. The members of the state board shall annually select a
3 chairperson, vice chairperson, and other officers the members
4 deem necessary. The members may be entitled to receive
5 reimbursement for actual and necessary expenses incurred in
6 the performance of their duties, subject to available funding.
7 Each member of the board may also be eligible to receive
8 compensation as provided in section 7E.6. The state board
9 shall meet at least twice a year.

10 3. An employee of the department ~~or of the department of~~
11 ~~inspections and appeals~~, an employee of a child-placing agency,
12 an employee of an agency with which the department contracts
13 for services for children under foster care, a foster parent
14 providing foster care, or an employee of the district court
15 is not eligible to serve on the state board. However, the
16 judicial branch employee or judicial officer appointed from
17 nominees submitted by the judicial branch in accordance with
18 subsection 1 shall be eligible to serve on the state board.

19 4. The department ~~and the department of inspections and~~
20 ~~appeals~~ shall jointly develop written protocols detailing the
21 responsibilities of ~~each~~ the department with regard to children
22 under the purview of the state board. The protocols shall be
23 reviewed by the ~~departments~~ department on an annual basis.

24 5. The director shall employ appropriate staff for the state
25 board in accordance with available funding.

26 Sec. 736. Section 237.18, subsection 4, Code 2023, is
27 amended by striking the subsection.

28 Sec. 737. Section 237.21, subsection 5, Code 2023, is
29 amended to read as follows:

30 5. Members of the state board and local boards, court
31 appointed special advocates, and the employees of the
32 department ~~and the department of inspections and appeals~~ are
33 subject to standards of confidentiality pursuant to sections
34 217.30, 228.6, subsection 1, sections 235A.15, 600.16,
35 and 600.16A. Members of the state and local boards, court

1 appointed special advocates, and employees of the department
2 ~~and the department of inspections and appeals~~ who disclose
3 information or records of the board or department, other than
4 as provided in subsections 2, 3, and 4, section 232.126,
5 and section 237.20, subsection 2, are guilty of a simple
6 misdemeanor.

7 Sec. 738. Section 237A.1, Code 2023, is amended to read as
8 follows:

9 **237A.1 Definitions.**

10 As used in this chapter unless the context otherwise
11 requires:

12 ~~1. "Administrator" means the administrator of the division~~
13 ~~of the department designated by the director to administer this~~
14 ~~chapter.~~

15 ~~2.~~ 1. "*Child*" means either of the following:

16 *a.* A person twelve years of age or younger.

17 *b.* A person thirteen years of age or older but younger than
18 nineteen years of age who has a developmental disability as
19 defined under the federal Developmental Disabilities Assistance
20 and Bill of Rights Act of 2000, Pub. L. No. 106-402, as
21 codified in 42 U.S.C. §15002(8).

22 ~~3.~~ 2. "*Child care*" means the care, supervision, and
23 guidance of a child by a person other than the child's parent,
24 guardian, or custodian for periods of less than twenty-four
25 hours per day per child on a regular basis, but does not
26 include care, supervision, and guidance of a child by any of
27 the following:

28 *a.* An instructional program for children who are attending
29 prekindergarten as defined by the state board of education
30 under section 256.11 or a higher grade level and are at least
31 four years of age, or are at least three years of age and
32 eligible for special education under chapter 256B, administered
33 by any of the following:

34 (1) A public or nonpublic school system accredited by the
35 department of education or the state board of regents.

- 1 (2) A nonpublic school system which is not accredited by the
2 department of education or the state board of regents.
- 3 *b.* Any of the following church-related programs:
- 4 (1) An instructional program.
- 5 (2) A youth program other than a preschool, before or after
6 school child care program, or other child care program.
- 7 (3) A program providing care to children on church premises
8 while the children's parents are attending church-related or
9 church-sponsored activities on the church premises.
- 10 *c.* Short-term classes of less than two weeks' duration held
11 between school terms or during a break within a school term.
- 12 *d.* A child care center for sick children operated as part of
13 a pediatrics unit in a hospital licensed by the department of
14 inspections and appeals pursuant to chapter 135B.
- 15 *e.* A program operated not more than one day per week by
16 volunteers which meets all of the following conditions:
- 17 (1) Not more than eleven children are served per volunteer.
- 18 (2) The program operates for less than four hours during any
19 twenty-four-hour period.
- 20 (3) The program is provided at no cost to the children's
21 parent, guardian, or custodian.
- 22 *f.* A program administered by a political subdivision of the
23 state which is primarily for recreational or social purposes
24 and is limited to children who are five years of age or older
25 and attending school.
- 26 *g.* An after school program continuously offered throughout
27 the school year calendar to children who are at least five
28 years of age and are enrolled in school, and attend the program
29 intermittently or a summer-only program for such children. The
30 program must be provided through a nominal membership fee or
31 at no cost.
- 32 *h.* A special activity program which meets less than four
33 hours per day for the sole purpose of the special activity.
34 Special activity programs include but are not limited to music
35 or dance classes, organized athletic or sports programs,

1 recreational classes, scouting programs, and hobby or craft
2 clubs or classes.

3 *i.* A nationally accredited camp.

4 *j.* A structured program for the purpose of providing
5 therapeutic, rehabilitative, or supervisory services to
6 children under any of the following:

7 (1) A purchase of service or managed care contract with the
8 department.

9 (2) A contract approved by a governance board of a
10 decategorization of child welfare and juvenile justice funding
11 project created under section 232.188.

12 (3) An arrangement approved by a juvenile court order.

13 *k.* Care provided on-site to children of parents residing in
14 an emergency, homeless, or domestic violence shelter.

15 *l.* A child care facility providing respite care to a
16 licensed foster family home for a period of twenty-four hours
17 or more to a child who is placed with that licensed foster
18 family home.

19 *m.* A program offered to a child whose parent, guardian,
20 or custodian is engaged solely in a recreational or social
21 activity, remains immediately available and accessible on the
22 physical premises on which the child's care is provided, and
23 does not engage in employment while the care is provided.
24 However, if the recreational or social activity is provided
25 in a fitness center or on the premises of a nonprofit
26 organization, the parent, guardian, or custodian of the child
27 may be employed to teach or lead the activity.

28 ~~4.~~ 3. "*Child care center*" or "*center*" means a facility
29 providing child care or preschool services for seven or more
30 children, except when the facility is registered as a child
31 development home.

32 ~~5.~~ 4. "*Child care facility*" or "*facility*" means a child
33 care center, preschool, or a registered child development home.

34 ~~6.~~ 5. "*Child care home*" means a person or program providing
35 child care to any of the following children at any one time

1 that is not registered to provide child care under this
2 chapter, as authorized under section 237A.3:

3 a. Five or fewer children.

4 b. Six or fewer children, if at least one of the children
5 is school-aged.

6 ~~7.~~ 6. "*Child development home*" means a person or program
7 registered under section 237A.3A that may provide child care to
8 seven or more children at any one time.

9 7. "*Council*" means the council on health and human services.

10 8. "*Department*" means the department of health and human
11 services.

12 9. "*Director*" means the director of health and human
13 services.

14 10. "*Infant*" means a child who is less than twenty-four
15 months of age.

16 11. "*Involvement with child care*" means licensed or
17 registered under this chapter, employed in a child care
18 facility, residing in a child care facility, receiving public
19 funding for providing child care, or providing child care as a
20 child care home provider, or residing in a child care home.

21 12. "*Licensed center*" means a center issued a full or
22 provisional license by the department under the provisions
23 of this chapter or a center for which a license is being
24 processed.

25 13. "*Poverty level*" means the poverty level defined by the
26 most recently revised poverty income guidelines published by
27 the United States department of health and human services.

28 14. "*Preschool*" means a child care facility which provides
29 to children ages three through five, for periods of time not
30 exceeding three hours per day, programs designed to help the
31 children to develop intellectual skills, social skills, and
32 motor skills, and to extend their interest and understanding
33 of the world about them.

34 15. "*School*" means kindergarten or a higher grade level.

35 16. "*State child care advisory committee*" means the state

1 child care advisory committee established pursuant to section
2 135.173A.

3 Sec. 739. Section 237A.2, subsection 1, paragraph a, Code
4 2023, is amended to read as follows:

5 a. An application for a license or a renewal has been filed
6 with the ~~administrator~~ department on forms provided by the
7 department.

8 Sec. 740. Section 237A.2, subsection 3, Code 2023, is
9 amended to read as follows:

10 3. The ~~administrator~~ department may reduce a previously
11 issued license to a provisional license or issue a provisional
12 license for a period of time not to exceed one year if the
13 center does not meet standards required under this section.
14 A provisional license shall not be renewable in regard to
15 the same standards for more than two consecutive years. A
16 provisional license shall be posted in a conspicuous place
17 in the center as provided in this section. If written plans
18 to bring the center up to standards, giving specific dates
19 for completion of work, are submitted to and approved by the
20 department, the provisional license shall be renewable as
21 provided in this subsection.

22 Sec. 741. Section 237A.3A, subsection 3, paragraph a, Code
23 2023, is amended to read as follows:

24 a. Three categories of standards shall be applicable to
25 child development homes. The initial designations of the
26 categories, which may be revised by the department, shall be
27 "A", "B", and "C", as ranked from less stringent standards and
28 capacity to more stringent standards and capacity. The "C"
29 registration category standards shall require the highest level
30 of provider qualifications and allow the greatest capacity of
31 the three categories. The department of ~~human services~~, in
32 ~~consultation with the Iowa department of public health~~, shall
33 adopt rules applying standards to each category specifying
34 provider qualifications and training, health and safety
35 requirements, capacity, amount of space available per child,

1 and other minimum requirements. The capacity requirements
2 shall take into consideration the provider's own children,
3 children who have a mild illness, children receiving part-time
4 child care, and children served as a sibling group in overnight
5 care.

6 Sec. 742. Section 237A.5, Code 2023, is amended to read as
7 follows:

8 **237A.5 Personnel.**

9 1. All personnel in licensed or registered facilities
10 shall have good health as evidenced by a report following a
11 preemployment physical examination taken within six months
12 prior to beginning employment. The examination shall include
13 communicable disease tests by a licensed physician as defined
14 in section 135C.1 or a licensed physician assistant as defined
15 in section 148C.1 and shall be repeated every three years after
16 initial employment. Controlled medical conditions which would
17 not affect the performance of the employee in the capacity
18 employed shall not prohibit employment.

19 2. a. For the purposes of this section, unless the context
20 otherwise requires:

21 (1) "*Person subject to a record check*" means a person who is
22 described by any of the following:

23 (a) The person is being considered for licensure or
24 registration or is registered or licensed under this chapter.

25 (b) The person is being considered by a child care facility
26 for employment involving direct responsibility for a child or
27 with access to a child when the child is alone or is employed
28 with such responsibilities.

29 (c) The person will reside or resides in a child care
30 facility.

31 (d) The person has applied for or receives public funding
32 for providing child care.

33 (e) The person will reside or resides in a child care home
34 that is not registered under this chapter but that receives
35 public funding for providing child care.

1 (2) "*Person subject to an evaluation*" means a person subject
2 to a record check whose record indicates that the person has
3 committed a transgression.

4 (3) "*Transgression*" means the existence of any of the
5 following in a person's record:

6 (a) Conviction of a crime.

7 (b) A record of having committed founded child or dependent
8 adult abuse.

9 (c) Listing in the sex offender registry under chapter 692A.

10 (d) A record of having committed a public or civil offense.

11 (e) The department has revoked a child care facility
12 registration or license due to the person's continued or
13 repeated failure to operate the child care facility in
14 compliance with this chapter and rules adopted pursuant to this
15 chapter.

16 **b.** If an individual person subject to a record check is
17 being considered for employment by a child care facility or
18 child care home provider, in lieu of requesting a record check
19 in this state to be conducted by the ~~department~~ record check
20 evaluation system under paragraph "*c*", the child care facility
21 or child care home may access the single contact repository
22 established pursuant to section 135C.33 as necessary to conduct
23 a criminal and child abuse record check of the individual
24 in this state. A copy of the results of the record check
25 conducted through the single contact repository shall also be
26 provided to the ~~department~~ record check evaluation system.
27 If the record check indicates the individual is a person
28 subject to an evaluation, the child care facility or child care
29 home may request that the ~~department~~ record check evaluation
30 system perform an evaluation as provided in this subsection.
31 Otherwise, the individual shall not be employed by the child
32 care facility or child care home.

33 **c.** Unless a record check has already been conducted in
34 accordance with paragraph "*b*", the ~~department~~ record check
35 evaluation system shall conduct a criminal and child abuse

1 record check in this state for a person who is subject to a
2 record check and may conduct such a check in other states. In
3 addition, the ~~department~~ record check evaluation system may
4 conduct a dependent adult abuse, sex offender registry, or
5 other public or civil offense record check in this state or in
6 other states for a person who is subject to a record check.

7 *d.* (1) For a person subject to a record check, in
8 addition to any other record check conducted pursuant to this
9 subsection, the person's fingerprints shall be provided to the
10 department of public safety for submission through the state
11 criminal history repository to the United States department
12 of justice, federal bureau of investigation for a national
13 criminal history check. The department may adopt rules
14 specifying criteria in the public interest for requiring the
15 national criminal history check of a person to be repeated.

16 (2) Except as otherwise provided by law, the cost of a
17 national criminal history check conducted in accordance with
18 subparagraph (1) and the state record checks conducted in
19 accordance with paragraph "c" that are conducted in connection
20 with a person's involvement with a child care center are not
21 the responsibility of the department. The department is
22 responsible for the cost of such checks conducted in connection
23 with a person's involvement with a child development home or
24 child care home.

25 (3) If record checks under paragraph "b" or "c" have been
26 conducted on a person subject to a record check and the results
27 do not warrant prohibition of the person's involvement with
28 child care or otherwise present protective concerns, the person
29 may be involved with child care on a provisional basis until
30 the record check under subparagraph (1) has been completed.

31 (4) If a person subject to a record check refuses to consent
32 to a record check or if the person makes what the person knows
33 to be a false statement of material fact in connection with a
34 record check, the person shall be prohibited from involvement
35 with child care.

1 e. (1) If a record check performed pursuant to this
2 subsection identifies an individual as a person subject to
3 an evaluation, an evaluation shall be performed to determine
4 whether prohibition of the person's involvement with child care
5 is warranted. The evaluation shall be performed in accordance
6 with procedures adopted for this purpose by the department.

7 (2) Prior to performing an evaluation, the ~~department~~
8 record check evaluation system shall notify the affected
9 person, licensee, registrant, or child care home applying for
10 or receiving public funding for providing child care, that an
11 evaluation will be conducted to determine whether prohibition
12 of the person's involvement with child care is warranted.

13 f. If a record check performed in accordance with paragraph
14 "b" or "c" identifies that an individual is a person subject
15 to an evaluation, the ~~department~~ record check evaluation
16 system shall perform the evaluation in accordance with this
17 subsection, even if the application which made the person
18 subject to the record check is withdrawn or the circumstances
19 which made the person subject to the record check are no longer
20 applicable. If the ~~department's~~ record check evaluation
21 system's evaluation determines that prohibition of the person's
22 involvement with child care is warranted, the provisions of
23 this subsection regarding such a prohibition shall apply.

24 g. A person subject to a record check who is or was employed
25 by a child care facility or child care home provider and
26 is hired by another child care facility or child care home
27 provider shall be subject to a record check in accordance
28 with this subsection. However, if the person was subject
29 to an evaluation because of a transgression in the person's
30 record and the evaluation determined that the transgression
31 did not warrant prohibition of the person's involvement
32 with child care and the latest record checks do not indicate
33 there is a transgression that was committed subsequent to
34 that evaluation, the person may commence employment with the
35 other child care facility or provider in accordance with the

1 ~~department's~~ evaluation and an exemption from any requirements
2 for reevaluation of the latest record checks is authorized.
3 Authorization of an exemption under this paragraph "g" from
4 requirements for reevaluation of the latest record checks by
5 the ~~department~~ record check evaluation system is subject to all
6 of the following provisions:

7 (1) The position with the subsequent employer is
8 substantially the same or has the same job responsibilities as
9 the position for which the previous evaluation was performed.

10 (2) Any restrictions placed on the person's employment
11 in the previous evaluation by the ~~department~~ record check
12 evaluation system shall remain applicable in the person's
13 subsequent employment.

14 (3) The person subject to the record checks has maintained a
15 copy of the previous evaluation and provides the evaluation to
16 the subsequent employer or the previous employer provides the
17 previous evaluation from the person's personnel file pursuant
18 to the person's authorization. If a physical copy of the
19 previous evaluation is not provided to the subsequent employer,
20 the record checks shall be reevaluated.

21 (4) Although an exemption under this paragraph "g" may
22 be authorized, the subsequent employer may instead request a
23 reevaluation of the record checks and may employ the person
24 while the reevaluation is being performed.

25 h. In an evaluation, the ~~department~~ record check evaluation
26 system shall consider the nature and seriousness of the
27 transgression in relation to the position sought or held, the
28 time elapsed since the commission of the transgression, the
29 circumstances under which the transgression was committed,
30 the degree of rehabilitation, the likelihood that the person
31 will commit the transgression again, and the number of
32 transgressions committed by the person involved. In addition
33 to record check information, the ~~department~~ record check
34 evaluation system may utilize information from the ~~department's~~
35 record check evaluation system's case records in performing the

1 evaluation. The ~~department~~ record check evaluation system may
2 permit a person who is evaluated to maintain involvement with
3 child care, if the person complies with the ~~department's~~ record
4 check evaluation system's conditions and corrective action plan
5 relating to the person's involvement with child care. The
6 ~~department~~ record check evaluation system has final authority
7 in determining whether prohibition of the person's involvement
8 with child care is warranted and in developing any conditional
9 requirements and corrective action plan under this paragraph.

10 *i.* (1) A person subject to an evaluation shall be
11 prohibited from involvement with child care under any of the
12 following circumstances:

13 (a) The person has a record of founded child abuse or
14 dependent adult abuse that was determined to be sexual abuse.

15 (b) The person is listed or is required to be listed on
16 any state sex offender registry or the national sex offender
17 registry.

18 (c) The person has committed any of the following
19 felony-level offenses:

20 (i) Child endangerment or neglect or abandonment of a
21 dependent person.

22 (ii) Domestic abuse.

23 (iii) A crime against a child including but not limited to
24 sexual exploitation of a minor.

25 (iv) A forcible felony.

26 (v) Arson.

27 (d) The person has a record of a misdemeanor conviction
28 against a child that constitutes one of the following offenses:

29 (i) Child abuse.

30 (ii) Child endangerment.

31 (iii) Sexual assault.

32 (iv) Child pornography.

33 (2) If, within five years prior to the date of application
34 for registration or licensure under this chapter, for
35 employment or residence in a child care facility or child care

1 home, or for receipt of public funding for providing child
2 care, a person subject to an evaluation has been convicted
3 of a controlled substance offense or has been found to have
4 committed physical abuse, the person shall be prohibited from
5 involvement with child care for a period of five years from
6 the date of conviction or founded abuse. After the five-year
7 prohibition period, the person may submit an application for
8 registration or licensure under this chapter, or to receive
9 public funding for providing child care, or may request an
10 evaluation, and the ~~department~~ record check evaluation system
11 shall perform an evaluation and, based upon the criteria in
12 paragraph "h", shall determine whether prohibition of the
13 person's involvement with child care continues to be warranted.

14 j. If the ~~department~~ record check evaluation system
15 determines, through an evaluation of a person's transgression,
16 that the person's prohibition of involvement with child care is
17 warranted, the person shall be prohibited from involvement with
18 child care. The ~~department~~ record check evaluation system may
19 identify a period of time after which the person may request
20 that another record check and evaluation be performed. A
21 person who continues involvement with child care in violation
22 of this subsection is subject to penalty under section 237A.19
23 or injunction under section 237A.20.

24 k. If it has been determined that a child receiving child
25 care from a child care facility or a child care home is the
26 victim of founded child abuse committed by an employee,
27 license or registration holder, child care home provider, or
28 resident of the child care facility or child care home for
29 which a report is placed in the central registry pursuant to
30 section 232.71D, the ~~administrator~~ department shall provide
31 notification at the time of the determination to the parents,
32 guardians, and custodians of children receiving care from the
33 child care facility or child care home. A notification made
34 under this paragraph shall identify the type of abuse but shall
35 not identify the victim or perpetrator or circumstances of the

1 founded abuse.

2 3. ~~On or after July 1, 1994, a~~ A licensee or registrant
3 shall inform all new applicants for employment of the
4 possibility of the performance of a record check and shall
5 obtain, from the applicant, a signed acknowledgment of the
6 receipt of the information.

7 4. ~~On or after July 1, 1994, a~~ A licensee or registrant
8 shall include the following inquiry in an application for
9 employment:

10 Do you have a record of founded child or dependent adult abuse
11 or have you ever been convicted of a crime, in this state or any
12 other state?

13 5. A person who serves as an unpaid volunteer in a child
14 care facility shall not be required to complete training as a
15 mandatory reporter of child abuse under section 232.69 or under
16 any other requirement.

17 Sec. 743. Section 237A.6, Code 2023, is amended to read as
18 follows:

19 **237A.6 Consultative services.**

20 The department shall, ~~and the director of public health~~
21 ~~may~~ provide consultative services to a person applying for
22 a license or registration, or licensed or registered by the
23 ~~administrator~~ under this chapter.

24 Sec. 744. Section 237A.8, Code 2023, is amended to read as
25 follows:

26 **237A.8 Violations — actions against license or registration.**

27 The ~~administrator~~ department, after notice and opportunity
28 for an evidentiary hearing before the department of inspections
29 and appeals, may suspend or revoke a license or certificate of
30 registration issued under this chapter or may reduce a license
31 to a provisional license if the person to whom a license or
32 certificate is issued violates a provision of this chapter or
33 if the person makes false reports regarding the operation of
34 the child care facility to the ~~administrator or a designee of~~
35 ~~the administrator~~ department. The ~~administrator~~ department

1 shall notify the parent, guardian, or legal custodian of each
2 child for whom the person provides child care at the time
3 of action to suspend or revoke a license or certificate of
4 registration.

5 Sec. 745. Section 237A.12, subsections 3 and 4, Code 2023,
6 are amended to read as follows:

7 3. Rules relating to fire safety for child care centers
8 shall be adopted under this chapter by the state fire marshal
9 in consultation with the department. Rules adopted by the
10 state fire marshal for a building which is owned or leased by a
11 school district or accredited nonpublic school and used as a
12 child care facility shall not differ from standards adopted by
13 the state fire marshal for school buildings under chapter 100.
14 Rules relating to sanitation shall be adopted by the department
15 ~~in consultation with the director of public health.~~ All rules
16 shall be developed in consultation with the state child care
17 advisory committee. The state fire marshal shall inspect the
18 facilities.

19 4. If a building is owned or leased by a school district
20 or accredited nonpublic school and complies with standards
21 adopted by the state fire marshal for school buildings under
22 chapter 100, the building is considered appropriate for use by
23 a child care facility. The rules adopted by the ~~administrator~~
24 department under this section shall not require the facility
25 to comply with building requirements which differ from
26 requirements for use of the building as a school.

27 Sec. 746. Section 237A.14, subsection 4, Code 2023, is
28 amended to read as follows:

29 4. The department ~~of human services~~ shall adopt rules
30 pursuant to chapter 17A in accordance with this section.

31 Sec. 747. Section 237A.23, subsection 1, Code 2023, is
32 amended to read as follows:

33 1. The ~~departments~~ department and the department of
34 education, ~~public health, and human services~~ shall jointly
35 establish a leadership council for child care training and

1 development in this state. In addition to representatives of
2 the ~~three~~ departments, the leadership council shall include
3 but is not limited to representatives of community colleges,
4 institutions of higher learning under the state board of
5 regents and private institutions of higher education, the
6 Iowa cooperative extension service in agriculture and home
7 economics, and child care resource and referral service
8 agencies.

9 Sec. 748. Section 237A.25, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. The department shall develop consumer information
12 material to assist parents in selecting a child care provider.
13 In developing the material, the department shall consult with
14 ~~department of human services~~ staff, department of education
15 staff, the state child care advisory committee, the early
16 childhood Iowa state board, and child care resource and
17 referral services. In addition, the department may consult
18 with other entities at the local, state, and national level.

19 Sec. 749. Section 237A.29, subsection 2, paragraph b,
20 unnumbered paragraph 1, Code 2023, is amended to read as
21 follows:

22 A child care provider that has been found by the department
23 of inspections and appeals in an administrative proceeding
24 or in a judicial proceeding to have obtained, or has agreed
25 to entry of a civil judgment or judgment by confession that
26 includes a conclusion of law that the child care provider has
27 obtained, by fraudulent means, public funding for provision of
28 child care in an amount equal to or in excess of the minimum
29 amount for a fraudulent practice in the second degree under
30 section 714.10, subsection 1, paragraph "a", shall be subject
31 to sanction in accordance with this subsection. Such child
32 care provider shall be subject to a period during which receipt
33 of public funding for provision of child care is conditioned
34 upon no further violations and to one or more of the following
35 sanctions as determined by the department ~~of human services~~:

1 Sec. 750. Section 237A.30, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. The department shall work with the early childhood Iowa
4 ~~office in the department of management~~ program established in
5 section 256I.5 and the state child care advisory committee in
6 designing and implementing a voluntary quality rating system
7 for each provider type of child care facility.

8 Sec. 751. Section 237C.1, Code 2023, is amended to read as
9 follows:

10 **237C.1 Definitions.**

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. ~~"Administrator" means the administrator of that division~~
14 ~~of the department designated by the director of human services~~
15 ~~to administer this chapter or the administrator's designee.~~

16 2. 1. "Child" or "children" means an individual or
17 individuals under eighteen years of age.

18 3. 2. "*Children's residential facility*" means a private
19 facility designed to serve children who have been voluntarily
20 placed for reasons other than an exclusively recreational
21 activity outside of their home by a parent or legal guardian
22 and who are not under the custody or authority of the
23 ~~department of human services~~, juvenile court, or another
24 governmental agency, that provides twenty-four-hour care,
25 including food, lodging, supervision, education, or other care
26 on a full-time basis by a person other than a relative or
27 guardian of the child, but does not include an entity providing
28 any of the following:

29 a. Care furnished by an individual who receives the child of
30 a personal friend as an occasional and personal guest in the
31 individual's home, free of charge and not as a business.

32 b. Care furnished by an individual with whom a child has
33 been placed for lawful adoption, unless that adoption is not
34 completed within two years after placement.

35 c. Child care furnished by a child care facility as defined

1 in section 237A.1.

2 *d.* Care furnished in a hospital licensed under chapter
3 135B or care furnished in a health care facility as defined in
4 section 135C.1.

5 *e.* Care furnished by a juvenile detention home or juvenile
6 shelter care home approved under section 232.142.

7 *f.* Care furnished by a child foster care facility licensed
8 under chapter 237.

9 *g.* Care furnished by an institution listed in section 218.1.

10 *h.* Care furnished by a facility licensed under chapter 125.

11 *i.* Care furnished by a psychiatric medical institution for
12 children licensed under chapter 135H.

13 ~~4.~~ 3. "*Department*" means the department of health and human
14 services.

15 4. "*Director*" means the director of health and human
16 services.

17 Sec. 752. Section 237C.3, subsection 1, Code 2023, is
18 amended to read as follows:

19 1. The department ~~of human services~~ shall consult with the
20 department of education, and the department of inspections
21 and appeals, ~~the department of public health,~~ the state fire
22 marshal, and other agencies as determined by the department
23 ~~of human services~~ to establish certification standards for
24 children's residential facilities in accordance with this
25 chapter.

26 Sec. 753. Section 237C.4, subsection 3, Code 2023, is
27 amended to read as follows:

28 3. Rules governing sanitation, water, and waste disposal
29 standards for children's residential facilities shall be
30 adopted by the department ~~of human services in consultation~~
31 ~~with the director of public health.~~

32 Sec. 754. Section 237C.4, subsection 7, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

34 Prior to establishing, proposing, adopting, or modifying a
35 standard or rule under section 237C.3, this section, or section

1 282.34, the department of ~~human services~~ or the department of
2 education, as applicable, shall, at a minimum, do all of the
3 following:

4 Sec. 755. Section 237C.5, Code 2023, is amended to read as
5 follows:

6 **237C.5 Certificate of approval — certification required.**

7 A person shall not operate a children's residential facility
8 without a certificate of approval to operate issued by the
9 administrator department under this chapter.

10 Sec. 756. Section 237C.6, subsections 1 and 3, Code 2023,
11 are amended to read as follows:

12 1. A person shall apply for a certificate to operate a
13 children's residential facility by completing and submitting
14 to the administrator department an application in a form
15 and format approved by the administrator department. The
16 administrator department shall issue or reissue a certificate
17 of approval if the administrator department determines that
18 the applicant is or upon commencing operation will provide
19 children's residential facility services in compliance with
20 this chapter. A certificate of approval is valid for up to one
21 year from the date of issuance for the period determined by
22 the administrator department in accordance with administrative
23 rules providing criteria for making the determination.

24 3. The administrator department may deny an application
25 for issuance or reissuance of a certificate of approval or
26 suspend or revoke a certificate of approval if the applicant
27 or certificate holder, as applicable, fails to comply with
28 this chapter or the rules adopted pursuant to this chapter or
29 knowingly makes a false statement concerning a material fact or
30 conceals a material fact on the application for the issuance
31 or reissuance of a certificate of approval or in a report
32 regarding operation of the children's residential facility
33 submitted to the administrator department. All operations of a
34 children's residential facility shall cease during a period of
35 suspension or revocation. The administrator department shall

1 suspend or revoke a certificate of approval of a children's
2 residential facility that fails to comply with section 282.34.
3 Sec. 757. Section 237C.8, Code 2023, is amended to read as
4 follows:

5 **237C.8 Reports and inspections.**

6 The ~~administrator~~ department may require submission of
7 reports by a certificate of approval holder and shall cause
8 at least one annual unannounced inspection of a children's
9 residential facility to assess compliance with applicable
10 requirements and standards. The inspections shall be conducted
11 by the department of inspections and appeals in addition to
12 initial, renewal, and other inspections that result from
13 complaints or self-reported incidents. The department of
14 inspections and appeals and the ~~department of human services~~
15 may examine records of a children's residential facility and
16 may inquire into matters concerning the children's residential
17 facility and its employees, volunteers, and subcontractors
18 relating to requirements and standards for children's
19 residential facilities under this chapter.

20 Sec. 758. Section 238.1, Code 2023, is amended to read as
21 follows:

22 **238.1 Definitions.**

23 For the purpose of this chapter unless the context otherwise
24 requires:

25 ~~1. "Administrator" means the administrator of the division~~
26 ~~of child and family services of the department of human~~
27 ~~services.~~

28 ~~2. 1. "Child" means the same as defined in section 234.1.~~

29 ~~3. 2. "Child-placing agency" or "agency" means any agency,~~
30 ~~whether public, semipublic, or private, which represents that~~
31 ~~the agency places children permanently or temporarily in~~
32 ~~private family homes or receives children for placement in~~
33 ~~private family homes, or which actually engages for gain or~~
34 ~~otherwise in the placement of children in private family homes.~~

35 "Agency" includes individuals, institutions, partnerships,

1 voluntary associations, and corporations, other than
2 institutions under the management or control of the department.

3 3. "Council" means the council on health and human services.

4 4. "Department" means the department of health and human
5 services.

6 5. "Director" means the director of health and human
7 services.

8 ~~4. "Person" or "agency" shall include individuals,~~
9 ~~institutions, partnerships, voluntary associations, and~~
10 ~~corporations, other than institutions under the management or~~
11 ~~control of any division or any administrator of the department~~
12 ~~of human services.~~

13 ~~5. "State division" means the same as defined in section~~
14 ~~234.1.~~

15 Sec. 759. Section 238.3, Code 2023, is amended to read as
16 follows:

17 **238.3 Authority to license.**

18 The ~~administrator~~ department may grant a license under this
19 chapter for the period specified in section 238.9 for the
20 ~~conduct~~ operation of any a child-placing agency in this state.

21 Sec. 760. Section 238.4, Code 2023, is amended to read as
22 follows:

23 **238.4 Granting of license conditional.**

24 ~~No such~~ A license shall not be issued under this chapter
25 ~~unless the person applying shall have shown~~ applicant shows
26 ~~that the person~~ applicant and the ~~person's~~ applicant's agents
27 are properly equipped by training and experience to find and
28 select suitable temporary or permanent homes for children and
29 to supervise ~~such~~ the homes ~~when~~ in which the children are
30 ~~placed in them, to the end that~~ safeguard the health, morality,
31 and general well-being of the children ~~placed by them shall be~~
32 ~~properly safeguarded.~~

33 Sec. 761. Section 238.5, Code 2023, is amended to read as
34 follows:

35 **238.5 License required.**

1 ~~No~~ A person shall ~~conduct~~ not operate a child-placing
2 agency or solicit or receive funds for ~~its~~ the support of a
3 child-placing agency without an unrevoked license issued by the
4 ~~administrator~~ department within the preceding twelve months
5 ~~preceding to conduct such agency.~~

6 Sec. 762. Section 238.6, Code 2023, is amended to read as
7 follows:

8 **238.6 Form of license.**

9 The license shall state the name of the licensee and the
10 particular premises in which the ~~business~~ agency may be ~~carried~~
11 ~~on~~ operated.

12 Sec. 763. Section 238.7, Code 2023, is amended to read as
13 follows:

14 **238.7 Posting of license.**

15 ~~Such~~ A license shall be ~~kept~~ posted in a conspicuous place on
16 the licensed premises.

17 Sec. 764. Section 238.8, Code 2023, is amended to read as
18 follows:

19 **238.8 Record of license.**

20 A record of the licenses ~~so~~ issued by the department under
21 this chapter shall be ~~kept~~ maintained by the ~~administrator~~
22 department.

23 Sec. 765. Section 238.10, Code 2023, is amended to read as
24 follows:

25 **238.10 Revocation of license.**

26 The ~~administrator~~ department may, after due notice and
27 hearing, revoke the license if any of the following applies:

28 1. ~~In case the person to whom the same is issued~~ The
29 licensee violates any provision of this chapter.

30 2. ~~When in the opinion of the administrator such~~ the
31 agency is maintained in such a way as to waste or misuse funds
32 contributed by the public or without due regard to sanitation
33 or hygiene or to the health, comfort, or well-being of the
34 child cared for or placed by the agency.

35 3. ~~In case of violation by the~~ The licensee or the

1 licensee's agents ~~of~~ violate any law of the state in a manner
2 disclosing moral turpitude or unfitness to maintain ~~such~~ the
3 agency.

4 4. ~~In case any such~~ The agency is ~~conducted~~ operated by a
5 person of ill repute or bad moral character.

6 5. ~~In case said~~ The agency operates in persistent violation
7 of the ~~reasonable~~ regulations ~~of the administrator~~ governing
8 such agencies.

9 Sec. 766. Section 238.11, Code 2023, is amended to read as
10 follows:

11 **238.11 Written charges — findings — notice.**

12 Written charges against the licensee shall be served upon
13 the licensee at least ten days before a hearing ~~shall be had~~
14 ~~thereon~~ on the charges and a written copy of the findings
15 and decisions of the ~~administrator upon~~ department following
16 the hearing shall be served upon the licensee in the manner
17 prescribed for the service of original notice in civil actions.

18 Sec. 767. Section 238.12, Code 2023, is amended to read as
19 follows:

20 **238.12 Appeal — judicial review.**

21 1. Any A licensee ~~feeling~~ aggrieved by any a decision of
22 the ~~administrator~~ department revoking the licensee's license
23 may appeal to the council ~~on human services~~ in the manner ~~of~~
24 ~~form~~ prescribed by ~~such~~ the council. The council shall, upon
25 receipt of such an appeal, give the licensee reasonable notice
26 and opportunity for a fair hearing before ~~such~~ the council
27 or its duly authorized representative ~~or representatives~~.
28 Following ~~such~~ the hearing the council ~~on human services~~ shall
29 take ~~its~~ final action and notify the licensee in writing.

30 2. Judicial review of the actions of the council may be
31 sought in accordance with the terms of ~~the Iowa administrative~~
32 ~~procedure Act~~, chapter 17A.

33 Sec. 768. Section 238.16, Code 2023, is amended to read as
34 follows:

35 **238.16 Rules and regulations.**

1 ~~It shall be the duty of the administrator to provide such~~
 2 The department shall prescribe general regulations and rules
 3 for the conduct of ~~all such~~ child-placing agencies as ~~shall be~~
 4 necessary to effect the purposes of this chapter and of all
 5 other applicable laws of the state relating to children ~~so far~~
 6 ~~as the same are applicable~~, and to safeguard the well-being of
 7 children placed or cared for by such agencies.

8 Sec. 769. Section 238.17, Code 2023, is amended to read as
 9 follows:

10 **238.17 Forms for registration and record — preservation and**
 11 **maintenance.**

12 1. The ~~administrator~~ department shall prescribe forms for
 13 the registration and record of ~~persons~~ children cared for by
 14 any child-placing agency licensed under this chapter and for
 15 reports required by ~~said administrator~~ the department from the
 16 agencies.

17 2. If, for any reason, a child-placing agency ~~as defined~~
 18 ~~by section 238.1 shall cease~~ ceases to exist, all records of
 19 registration and placement and all other records of any kind
 20 and character ~~kept~~ maintained by ~~such~~ the child-placing agency
 21 shall be turned over to the ~~administrator~~ department, for
 22 ~~preservation~~, to be ~~kept~~ preserved and maintained by the ~~said~~
 23 ~~administrator~~ department as a permanent record.

24 Sec. 770. Section 238.18, Code 2023, is amended to read as
 25 follows:

26 **238.18 Duty of licensee.**

27 1. A child-placing agency licensed under this chapter shall
 28 ~~keep~~ maintain a record and make reports in the form ~~to be~~
 29 prescribed by the ~~administrator~~ department.

30 2. For a child being placed by the agency, the agency's
 31 duties shall include compliance with the requirements of
 32 section 232.108 relating to visitation or ongoing interaction
 33 between the child and the child's siblings.

34 Sec. 771. Section 238.19, Code 2023, is amended to read as
 35 follows:

1 **238.19 Inspection generally.**

2 Authorized employees of the department of inspections and
3 appeals may inspect the premises and conditions of the agency
4 at any time, and examine every part of the agency, and ~~may~~
5 inquire into all matters concerning the agency and the children
6 in the care of the agency.

7 Sec. 772. Section 238.22, Code 2023, is amended to read as
8 follows:

9 **238.22 Licensee to aid inspection.**

10 ~~The licensees~~ A licensee shall ~~give~~ provide all reasonable
11 information to ~~such~~ inspectors authorized under this chapter
12 and afford ~~them~~ the inspectors every reasonable facility means
13 for obtaining pertinent information.

14 Sec. 773. Section 238.24, Code 2023, is amended to read as
15 follows:

16 **238.24 Information confidential — exceptions.**

17 1. Except as authorized by this section, a person who
18 acquires under this chapter or from the records provided for in
19 this chapter, information relative to any agency, or relative
20 ~~to any~~ individual cared for by the agency, or relative to any
21 relative of the individual, shall not directly or indirectly
22 disclose the information.

23 2. Disclosure of information acquired under this chapter
24 or from the records provided for in this chapter is authorized
25 under any of the following circumstances:

26 a. Disclosure made upon inquiry before a court of law,
27 or before some other tribunal, or for the information of the
28 governor, general assembly, medical examiners, ~~administrator,~~
29 ~~Iowa department of public health~~ director, or the local board
30 of health in the jurisdiction where the agency is located.

31 b. Disclosure ~~may be~~ made by the ~~administrator~~ director to
32 proper persons ~~as may be~~ in the interest of a child cared for by
33 the agency or in the interest of the child's parents or foster
34 parents and not inimical to the child, or as ~~may be~~ necessary
35 to protect the interests of the child's prospective foster

1 parents. However, disclosure of termination and adoption
 2 records shall be governed by the provisions of sections 600.16
 3 and 600.16A.

4 c. Disclosure for purposes of statistical analysis performed
 5 by duly authorized persons of data collected under this chapter
 6 or the publication of the results of such analysis in such
 7 manner as will not disclose confidential information.

8 Sec. 774. Section 238.31, Code 2023, is amended to read as
 9 follows:

10 **238.31 Inspection of foster homes.**

11 The ~~administrator~~ department shall ~~be satisfied~~ ensure that
 12 each licensed child-placing agency ~~is maintaining~~ maintains
 13 proper standards ~~in its work~~, and ~~said administrator~~ may at
 14 any time cause the child and home in which the child has been
 15 placed to be visited by the ~~administrator's~~ director's agents
 16 for the purpose of ascertaining whether the home is a suitable
 17 ~~one~~ for the child, and may continue to visit and inspect the
 18 foster home and the conditions ~~therein~~ in the foster home as
 19 they affect ~~said~~ the child.

20 Sec. 775. Section 238.32, Code 2023, is amended to read as
 21 follows:

22 **238.32 Authority to agencies.**

23 ~~Any institution incorporated under the laws of this state~~
 24 ~~or maintained for the purpose of caring for, placing out for~~
 25 ~~adoption, or otherwise improving the condition of unfortunate~~
 26 ~~children may, under the conditions~~ An agency as specified
 27 in this chapter and when licensed in accordance with the
 28 provisions of this chapter may do any of the following:

29 1. Receive children in need of assistance, ~~or delinquent~~
 30 children who are under eighteen years of age, ~~under commitment~~
 31 ~~from~~ found to have committed a delinquent act by the juvenile
 32 court, and control and dispose of them provide for the
 33 disposition of the children subject to the provisions of
 34 chapter 232 and chapter 600A.

35 2. ~~Receive, control, and dispose~~ and provide for the

1 disposition of all minor children voluntarily surrendered to
2 ~~such institutions~~ the agency.

3 Sec. 776. Section 238.42, Code 2023, is amended to read as
4 follows:

5 **238.42 Agreement in child placements.**

6 ~~Every~~ An agency placing a child in a foster home shall enter
7 into a written agreement with the person taking the child,
8 ~~which.~~ The agreement shall provide that the agency ~~placing the~~
9 ~~child~~ shall have access at all reasonable times to ~~such the~~
10 child and to the home in which the child is living, and ~~for the~~
11 ~~return of the child by the person taking~~ may remove the child
12 from the home whenever, in the opinion of the agency ~~placing~~
13 ~~such child,~~ or in the opinion of the administrator department,
14 removal is in the best interests of the child ~~shall require it.~~

15 Sec. 777. Section 238.45, Code 2023, is amended to read as
16 follows:

17 **238.45 Penalty.**

18 ~~Every~~ A person who violates any ~~of the provisions~~ provision
19 of this chapter or who intentionally ~~shall make~~ makes any false
20 statements or reports to the ~~administrator with reference to~~
21 ~~the matters contained herein~~ department relative to a provision
22 of this chapter, ~~shall be~~ is guilty of a fraudulent practice.

23 Sec. 778. Section 239A.2, unnumbered paragraph 1, Code
24 2023, is amended to read as follows:

25 The department of workforce development, in consultation
26 with the director of health and human services, shall establish
27 a procedure for assignment of persons referred under section
28 239A.1 to positions available in public works projects. The
29 department of workforce development shall arrange with units of
30 local government for establishment of such projects, which may
31 include any type of work or endeavor that is within the scope
32 of authority of the unit of local government involved so long
33 as the project meets the following requirements:

34 Sec. 779. Section 239B.1, subsection 4, Code 2023, is
35 amended to read as follows:

1 4. "*Department*" means the department of health and human
2 services.

3 Sec. 780. Section 239B.1, Code 2023, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 4A. "*Director*" means the director of health
6 and human services.

7 Sec. 781. Section 239B.2, subsection 6, Code 2023, is
8 amended to read as follows:

9 6. *Cooperation with child support requirements.* The
10 department shall provide for prompt notification of ~~the~~
11 ~~department's~~ child support ~~recovery unit~~ services if assistance
12 is provided to a child whose parent is absent from the home.
13 An applicant or participant shall cooperate with ~~the~~ child
14 support ~~recovery unit~~ services and the department as provided
15 in 42 U.S.C. §608(a)(2) unless the applicant or participant
16 qualifies for good cause or other exception as determined
17 by the department in accordance with the best interest of
18 the child, parent, or specified relative, and with standards
19 prescribed by rule. The authorized good cause or other
20 exceptions shall include participation in a family investment
21 agreement safety plan option to address or prevent family or
22 domestic violence and other consideration given to the presence
23 of family or domestic violence. If a specified relative with
24 whom a child is residing fails to comply with these cooperation
25 requirements, a sanction shall be imposed as defined by rule in
26 accordance with state and federal law.

27 Sec. 782. Section 239B.8, subsection 6, Code 2023, is
28 amended to read as follows:

29 6. *Confidential information disclosure.* If approved by
30 the director ~~of human services~~ or the director's designee
31 pursuant to a written request, the department shall disclose
32 confidential information described in section 217.30,
33 subsection 2, to other state agencies or to any other entity
34 which is not subject to the provisions of chapter 17A and is
35 providing services to a participant family who is subject to

1 a family investment agreement, if necessary in order for the
2 participant family to receive the services. The department
3 shall adopt rules establishing standards for disclosure of
4 confidential information if disclosure is necessary in order
5 for a participant to receive services.

6 Sec. 783. Section 239B.9, subsection 1, paragraph a, Code
7 2023, is amended to read as follows:

8 a. If a participant responsible for signing and fulfilling
9 the terms of a family investment agreement, as defined by the
10 director of ~~human services~~ in accordance with section 239B.8,
11 chooses not to sign or fulfill the terms of the agreement, the
12 participant's family, or the individual participant shall enter
13 into a limited benefit plan. Initial actions in a written
14 statement under section 239B.2, subsection 4, which were
15 committed to by a participant during the application period
16 and which commitment remains in effect, shall be considered to
17 be a term of the participant's family investment agreement.
18 A limited benefit plan shall apply for the period of time
19 specified in this section. The first month of the limited
20 benefit plan is the first month after the month in which timely
21 and adequate notice of the limited benefit plan is given to the
22 participant as defined by the director of ~~human services~~. The
23 elements of a limited benefit plan shall be specified in the
24 department's rules.

25 Sec. 784. Section 239B.9, subsection 3, paragraphs a and c,
26 Code 2023, are amended to read as follows:

27 a. A participant who does not establish an orientation
28 appointment with the JOBS program or who fails to keep or
29 reschedule an orientation appointment shall receive a reminder
30 letter which informs the participant that those who do not
31 attend orientation have elected to choose a limited benefit
32 plan. A participant who chooses not to respond to the reminder
33 letter within ten calendar days from the mailing date shall
34 receive notice establishing the effective date of the limited
35 benefit plan. If a participant is deemed to have chosen a

1 limited benefit plan, timely and adequate notice provisions, as
2 determined by the director ~~of human services~~, shall apply.

3 c. A participant who has signed a family investment
4 agreement but then chooses a limited benefit plan under
5 circumstances defined by the director ~~of human services~~.

6 Sec. 785. Section 239B.12, Code 2023, is amended to read as
7 follows:

8 **239B.12 Immunization.**

9 1. To the extent feasible, the department shall determine
10 the immunization status of children receiving assistance under
11 this chapter. The status shall be determined in accordance
12 with the immunization recommendations adopted ~~by the Iowa~~
13 ~~department of public health~~ under section 139A.8, including the
14 exemption provisions in section 139A.8, subsection 4. If the
15 department determines a child is not in compliance with the
16 immunization recommendations, the department shall refer the
17 child's parent or guardian to a local public health agency for
18 immunization services for the child and other members of the
19 child's family.

20 2. The department ~~of human services~~ shall ~~cooperate with the~~
21 ~~Iowa department of public health to establish an interagency~~
22 ~~agreement allowing the sharing of pertinent client data, as~~
23 ~~permitted under federal law and regulation, for the purposes~~
24 ~~of determining~~ determine immunization rates of participants,
25 ~~evaluating~~ evaluate family investment program efforts to
26 encourage immunizations, and ~~developing~~ develop strategies to
27 further encourage immunization of participants.

28 Sec. 786. Section 239B.16, Code 2023, is amended to read as
29 follows:

30 **239B.16 Appeal — judicial review.**

31 If an applicant's application is not acted upon within
32 a reasonable time, if it is denied in whole or in part, or
33 if a participant's assistance or other benefits under this
34 chapter are modified, suspended, or canceled under a provision
35 of this chapter, the applicant or participant may appeal to

1 the department ~~of human services~~ which shall request the
2 department of inspections and appeals to conduct a hearing.
3 Upon completion of a hearing, the department of inspections
4 and appeals shall issue a decision which is subject to review
5 by the department ~~of human services~~. Judicial review of the
6 actions of the department ~~of human services~~ may be sought in
7 accordance with chapter 17A. Upon receipt of a notice of
8 the filing of a petition for judicial review, the department
9 ~~of human services~~ shall furnish the petitioner with a copy
10 of any papers filed in support of the petitioner's position,
11 a transcript of any testimony taken, and a copy of the
12 department's decision.

13 Sec. 787. Section 239B.17, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. *Program established.* The promoting independence and
16 self-sufficiency through employment job opportunities and basic
17 skills program is established for applicants and participants
18 of the family investment program. The requirements of the
19 JOBS program shall vary as provided in the family investment
20 agreement applicable to a family. The department of workforce
21 development, economic development authority, department of
22 education, and all other state, county, and public educational
23 agencies and institutions providing vocational rehabilitation,
24 adult education, or vocational or technical training shall
25 assist and cooperate in the JOBS program. The departments,
26 agencies, and institutions shall make agreements and
27 arrangements for maximum cooperation and use of all available
28 resources in the program. The department ~~of human services~~
29 may contract with the department of workforce development, the
30 economic development authority, or another appropriate entity
31 to provide JOBS program services.

32 Sec. 788. Section 241.1, Code 2023, is amended to read as
33 follows:

34 **241.1 Definitions.**

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "Department" means the department of health and human
3 services.

4 2. "Director" means the director of health and human
5 services.

6 ~~1.~~ 3. "Displaced homemaker" means an individual who meets
7 all of the following criteria:

8 a. Has worked principally in the home providing unpaid
9 household services for family members.

10 b. Is not gainfully employed.

11 c. Has had, or would apparently have, difficulty finding
12 appropriate paid employment.

13 d. Has been dependent on the income of another family
14 member but is no longer supported by that income, is or has
15 been dependent on government assistance, or is supported as the
16 parent of a child who is sixteen or seventeen years of age.

17 ~~2. "Department" means the department of human services.~~

18 ~~3. "Director" means the director of the department of human~~
19 ~~services.~~

20 Sec. 789. Section 241.3, subsection 2, Code 2023, is amended
21 to read as follows:

22 2. The department shall consult and cooperate with the
23 department of workforce development, the United States
24 commissioner of social security administration, the office on
25 the status of women of the department of ~~human rights~~, the
26 department of education, and other persons in the executive
27 branch of the state government as the department considers
28 appropriate to facilitate the coordination of multipurpose
29 service programs established under this chapter with existing
30 programs of a similar nature.

31 Sec. 790. Section 249.1, Code 2023, is amended to read as
32 follows:

33 **249.1 Definitions.**

34 As used in this chapter:

35 1. "Council" means the council on health and human services.

1 ~~1.~~ 2. "*Department*" means the department of health and human
2 services.

3 ~~2.~~ 3. "*Director*" means the director of health and human
4 services.

5 ~~3.~~ 4. "*Federal supplemental security income*" means cash
6 payments made to individuals by the United States government
7 under Tit. XVI of the Social Security Act as amended by Pub. L.
8 No. 92-603, or any other amendments thereto.

9 ~~4.~~ 5. "*Previous categorical assistance programs*" means the
10 aid to the blind program authorized by chapter 241, the aid to
11 the disabled program authorized by chapter 241A and the old-age
12 assistance program authorized by chapter 249, Code 1973.

13 ~~5.~~ 6. "*State supplementary assistance*" means cash payments
14 made to individuals:

15 a. By the United States government on behalf of the state of
16 Iowa pursuant to section 249.2.

17 b. By the state of Iowa directly pursuant to sections 249.3
18 through 249.5.

19 Sec. 791. Section 249.4, subsection 1, Code 2023, is amended
20 to read as follows:

21 1. Applications for state supplementary assistance shall be
22 made in the form and manner prescribed by the director or the
23 director's designee, with the approval of the council ~~on human~~
24 ~~services~~, pursuant to chapter 17A. Each person who ~~so~~ applies
25 and is found eligible under section 249.3 shall, so long as the
26 person's eligibility continues, receive state supplementary
27 assistance on a monthly basis, from funds appropriated to the
28 department for the purpose.

29 Sec. 792. Section 249.5, Code 2023, is amended to read as
30 follows:

31 **249.5 Judicial review.**

32 If an application is not acted upon within a reasonable
33 time, if it is denied in whole or in part, or if an award
34 of assistance is modified, suspended, or canceled under a
35 provision of this chapter, the applicant or recipient may

1 appeal to the department ~~of human services~~, which shall
 2 request the department of inspections and appeals to conduct
 3 a hearing. Upon completion of a hearing, the department of
 4 inspections and appeals shall issue a decision which is subject
 5 to review by the department ~~of human services~~. Judicial
 6 review of the actions of the department ~~of human services~~
 7 may be sought in accordance with chapter 17A. Upon receipt
 8 of the petition for judicial review, the department ~~of human~~
 9 ~~services~~ shall furnish the petitioner with a copy of any
 10 papers filed by the petitioner in support of the petitioner's
 11 position, a transcript of any testimony taken, and a copy of
 12 the department's decision.

13 Sec. 793. Section 249.8, Code 2023, is amended to read as
 14 follows:

15 **249.8 Cancellation of warrants.**

16 The director of the department of administrative services,
 17 as of January, April, July, and October 1 of each year, shall
 18 stop payment on and issue duplicates of all state supplementary
 19 assistance warrants which have been outstanding and unredeemed
 20 by the treasurer of state for six months or longer. ~~No~~ A bond
 21 of indemnity shall not be required for the issuance of ~~such~~
 22 the duplicate warrants which shall be canceled immediately by
 23 the director of the department of administrative services. If
 24 the original warrants are subsequently presented for payment,
 25 warrants in lieu ~~thereof~~ of the original warrants shall be
 26 issued by the director of the department of administrative
 27 services at the discretion of and upon certification by the
 28 director ~~of human services~~ or the director's designee.

29 Sec. 794. Section 249.11, subsection 2, Code 2023, is
 30 amended to read as follows:

31 2. The department of inspections and appeals shall conduct
 32 investigations and audits as deemed necessary to ensure
 33 compliance with state supplementary assistance programs
 34 administered under this chapter. The department of inspections
 35 and appeals shall cooperate with the department ~~of human~~

1 ~~services~~ on the development of procedures relating to such
2 investigations and audits to ensure compliance with federal and
3 state single state agency requirements.

4 Sec. 795. Section 249.12, subsections 1 and 2, Code 2023,
5 are amended to read as follows:

6 1. In order to assure that the necessary data is available
7 to aid the general assembly to determine appropriate funding
8 for the custodial care program, the department of ~~human~~
9 ~~services~~ shall develop a cost-related system for financial
10 supplementation to individuals who need custodial care and who
11 have insufficient resources to purchase the care needed.

12 2. All privately operated licensed custodial facilities in
13 Iowa shall cooperate with the department of ~~human services~~ to
14 develop the cost-related plan.

15 Sec. 796. Section 249A.2, subsections 1 and 2, Code 2023,
16 are amended to read as follows:

17 1. "*Department*" means the department of health and human
18 services.

19 2. "*Director*" means the director of health and human
20 services.

21 Sec. 797. Section 249A.4, subsection 10, paragraph c,
22 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
23 to read as follows:

24 A nursing facility that utilizes the supplementation option
25 and receives supplementation under this subsection during any
26 calendar year shall report to the department of ~~human services~~
27 annually, by January 15, the following information for the
28 preceding calendar year:

29 Sec. 798. Section 249A.4, subsection 11, Code 2023, is
30 amended to read as follows:

31 11. Shall provide an opportunity for a fair hearing before
32 the department of inspections and appeals to an individual
33 whose claim for medical assistance under this chapter is
34 denied or is not acted upon with reasonable promptness. Upon
35 completion of a hearing, the department of inspections and

1 appeals shall issue a decision which is subject to review by
 2 the department ~~of human services~~. Judicial review of the
 3 decisions of the department ~~of human services~~ may be sought in
 4 accordance with chapter 17A. If a petition for judicial review
 5 is filed, the department ~~of human services~~ shall furnish the
 6 petitioner with a copy of the application and all supporting
 7 papers, a transcript of the testimony taken at the hearing, if
 8 any, and a copy of its decision.

9 Sec. 799. Section 249A.4B, Code 2023, is amended to read as
 10 follows:

11 **249A.4B Medical assistance advisory council.**

12 1. A medical assistance advisory council is created to
 13 comply with 42 C.F.R. §431.12 based on section 1902(a)(4) of
 14 the federal Social Security Act and to advise the director
 15 about health and medical care services under the medical
 16 assistance program. The council shall meet no more than
 17 quarterly. The ~~director of~~ director's designee responsible
 18 for public health or their designee and a public member of the
 19 council selected by the public members of the council shall
 20 serve as co-chairpersons of the council.

21 2. a. The council shall consist of the following voting
 22 members:

23 (1) Five professional or business entity members selected
 24 by the entities specified pursuant to subsection 3, paragraph
 25 "a".

26 (2) Five public members appointed pursuant to subsection 3,
 27 paragraph "b". Of the five public members, at least one member
 28 shall be a recipient of medical assistance.

29 b. The council shall include all of the following nonvoting
 30 members:

31 (1) ~~The director of public health, or the director's~~
 32 designee responsible for public health or their designee.

33 ~~(2) The director of the department on aging, or the~~
 34 ~~director's designee.~~

35 ~~(3)~~ (2) The long-term care ombudsman, or the long-term care

1 ombudsman's designee.

2 ~~(4)~~ (3) The dean of Des Moines university — college of
3 osteopathic ~~medical-center~~ medicine, or the dean's designee.

4 ~~(5)~~ (4) The dean of the university of Iowa college of
5 medicine, or the dean's designee.

6 ~~(6)~~ (5) A member of the ~~hawk-i~~ Hawki board created in
7 section 514I.5, selected by the members of the ~~hawk-i~~ Hawki
8 board.

9 ~~(7)~~ (6) The following members of the general assembly, each
10 for a term of two years as provided in section 69.16B:

11 (a) Two members of the house of representatives, one
12 appointed by the speaker of the house of representatives
13 and one appointed by the minority leader of the house of
14 representatives from their respective parties.

15 (b) Two members of the senate, one appointed by the
16 president of the senate after consultation with the majority
17 leader of the senate and one appointed by the minority leader
18 of the senate.

19 3. The voting membership of the council shall be selected
20 or appointed as follows:

21 a. The five professional or business entity members shall
22 be selected by the entities specified under this paragraph
23 "a". The five professional or business entity members selected
24 shall be the president, or the president's representative,
25 of the professional or business entity, or a member of the
26 professional or business entity, designated by the entity.

27 (1) The Iowa medical society.

28 (2) The Iowa osteopathic medical association.

29 (3) The Iowa academy of family physicians.

30 (4) The Iowa chapter of the American academy of pediatrics.

31 (5) The Iowa physical therapy association.

32 (6) The Iowa dental association.

33 (7) The Iowa nurses association.

34 (8) The Iowa pharmacy association.

35 (9) The Iowa podiatric medical society.

- 1 (10) The Iowa optometric association.
- 2 (11) The Iowa association of community providers.
- 3 (12) The Iowa psychological association.
- 4 (13) The Iowa psychiatric society.
- 5 (14) The Iowa chapter of the national association of social
6 workers.
- 7 (15) The coalition for family and children's services in
8 Iowa.
- 9 (16) The Iowa hospital association.
- 10 (17) The Iowa association of rural health clinics.
- 11 (18) The Iowa primary care association.
- 12 (19) Free clinics of Iowa.
- 13 (20) The opticians' association of Iowa, inc.
- 14 (21) The Iowa association of hearing health professionals.
- 15 (22) The Iowa speech and hearing association.
- 16 (23) The Iowa health care association.
- 17 (24) The Iowa association of area agencies on aging.
- 18 (25) AARP.
- 19 (26) The Iowa caregivers association.
- 20 (27) Leading age Iowa.
- 21 (28) The Iowa association for home care.
- 22 (29) The Iowa council of health care centers.
- 23 (30) The Iowa physician assistant society.
- 24 (31) The Iowa association of nurse practitioners.
- 25 (32) The Iowa nurse practitioner society.
- 26 (33) The Iowa occupational therapy association.
- 27 (34) The ARC of Iowa, formerly known as the association for
28 retarded citizens of Iowa.
- 29 (35) The national alliance on mental illness.
- 30 (36) The Iowa state association of counties.
- 31 (37) The Iowa developmental disabilities council.
- 32 (38) The Iowa chiropractic society.
- 33 (39) The Iowa academy of nutrition and dietetics.
- 34 (40) The Iowa behavioral health association.
- 35 (41) The midwest association for medical equipment services

1 or an affiliated Iowa organization.

2 **b.** The five public members shall be public representatives
3 which may include members of consumer groups, including
4 recipients of medical assistance or their families, consumer
5 organizations, and others, appointed by the governor for
6 staggered terms of two years each, none of whom shall be
7 members of, or practitioners of, or have a pecuniary interest
8 in any of the professional or business entities specifically
9 represented under paragraph "a".

10 4. Based upon the deliberations of the council, the council
11 shall make recommendations to the director regarding the
12 budget, policy, and administration of the medical assistance
13 program.

14 5. For each council meeting, other than those held during
15 the time the general assembly is in session, each legislative
16 member of the council shall be reimbursed for actual travel
17 and other necessary expenses and shall receive a per diem as
18 specified in section 7E.6 for each day in attendance, as shall
19 the members of the council who are recipients or the family
20 members of recipients of medical assistance, regardless of
21 whether the general assembly is in session.

22 6. The department shall provide staff support and
23 independent technical assistance to the council.

24 7. The director shall consider the recommendations offered
25 by the council in the director's preparation of medical
26 assistance budget recommendations to the council on health and
27 human services pursuant to section 217.3 and in implementation
28 of medical assistance program policies.

29 Sec. 800. Section 249A.11, Code 2023, is amended to read as
30 follows:

31 **249A.11 Payment for patient care segregated.**

32 A state resource center or mental health institute, upon
33 receipt of any payment made under this chapter for the care of
34 any patient, shall segregate an amount equal to that portion of
35 the payment which is required by law to be made from nonfederal

1 funds. The money segregated shall be deposited in the medical
2 assistance fund of the department ~~of human services~~.

3 Sec. 801. Section 249A.12, subsection 5, paragraph b, Code
4 2023, is amended to read as follows:

5 b. The department ~~of human services~~ shall seek federal
6 approval to amend the home and community-based services waiver
7 for persons with an intellectual disability to include day
8 habilitation services. Inclusion of day habilitation services
9 in the waiver shall take effect upon receipt of federal
10 approval.

11 Sec. 802. Section 249A.15A, subsection 4, Code 2023, is
12 amended to read as follows:

13 4. The department shall adopt rules pursuant to chapter 17A
14 entitling alcohol and drug counselors who are certified by the
15 nongovernmental Iowa board of ~~substance abuse~~ certification to
16 payment for behavioral health services provided to recipients
17 of medical assistance, subject to limitations and exclusions
18 the department finds necessary on the basis of federal laws and
19 regulations.

20 Sec. 803. Section 249A.21, subsection 9, Code 2023, is
21 amended to read as follows:

22 9. The department ~~of human services~~ may procure a sole
23 source contract to implement the provisions of this section.

24 Sec. 804. Section 249A.24, subsection 2, unnumbered
25 paragraph 1, Code 2023, is amended to read as follows:

26 In addition to any other duties prescribed, the commission
27 shall make recommendations to the council on health and human
28 services regarding strategies to reduce state expenditures
29 for prescription drugs under the medical assistance program
30 excluding provider reimbursement rates. ~~The commission shall~~
31 ~~make initial recommendations to the council by October 1, 2002.~~
32 Following approval of any recommendation by the council on
33 health and human services, the department shall include the
34 approved recommendation in a notice of intended action under
35 chapter 17A and shall comply with chapter 17A in adopting

1 any rules to implement the recommendation. The department
 2 shall seek any federal waiver necessary to implement any
 3 approved recommendation. The strategies to be considered for
 4 recommendation by the commission shall include at a minimum all
 5 of the following:

6 Sec. 805. Section 249A.26, subsection 2, paragraph a, Code
 7 2023, is amended to read as follows:

8 a. Except as provided for disallowed costs in section
 9 249A.27, the state shall pay one hundred percent of the
 10 nonfederal share of the cost of case management provided to
 11 adults, day treatment, and partial hospitalization provided
 12 under the medical assistance program for persons with an
 13 intellectual disability, a developmental disability, or
 14 chronic mental illness. For purposes of this section, persons
 15 with mental disorders resulting from Alzheimer's disease
 16 or a ~~substance-related~~ substance use disorder shall not be
 17 considered to be persons with chronic mental illness.

18 Sec. 806. Section 249A.29, Code 2023, is amended to read as
 19 follows:

20 **249A.29 Home and community-based services waiver providers**
 21 **— records checks.**

22 1. For purposes of this section and section 249A.30 unless
 23 the context otherwise requires:

24 a. "Consumer" means an individual approved by the department
 25 to receive services under a waiver.

26 b. "Provider" means an agency certified by the department to
 27 provide services under a waiver.

28 c. "Waiver" means a home and community-based services waiver
 29 approved by the federal government and implemented under the
 30 medical assistance program.

31 2. If a person is being considered by a provider for
 32 employment involving direct responsibility for a consumer or
 33 with access to a consumer when the consumer is alone, and
 34 if the person has been convicted of a crime or has a record
 35 of founded child or dependent adult abuse, the record check

1 evaluation system of the department shall perform an evaluation
2 to determine whether the crime or founded abuse warrants
3 prohibition of employment by the provider. The ~~department~~
4 record check evaluation system shall conduct criminal and child
5 and dependent adult abuse records checks of the person in
6 this state and may conduct these checks in other states. The
7 records checks and evaluations required by this section shall
8 be performed in accordance with procedures adopted for this
9 purpose by the department.

10 3. If the ~~department~~ record check evaluation system
11 determines that a person employed by a provider has committed
12 a crime or has a record of founded abuse, the ~~department~~
13 record check evaluation system shall perform an evaluation to
14 determine whether prohibition of the person's employment is
15 warranted.

16 4. In an evaluation, the ~~department~~ record check evaluation
17 system shall consider the nature and seriousness of the crime
18 or founded abuse in relation to the position sought or held,
19 the time elapsed since the commission of the crime or founded
20 abuse, the circumstances under which the crime or founded abuse
21 was committed, the degree of rehabilitation, the likelihood
22 that the person will commit the crime or founded abuse again,
23 and the number of crimes or founded abuses committed by the
24 person involved. The ~~department~~ record check evaluation
25 system may permit a person who is evaluated to be employed
26 or to continue to be employed by the provider if the person
27 complies with the ~~department's~~ record check evaluation system's
28 conditions relating to the employment, which may include
29 completion of additional training.

30 5. If the ~~department~~ record check evaluation system
31 determines that the person has committed a crime or has
32 a record of founded abuse which warrants prohibition of
33 employment, the person shall not be employed by a provider.

34 Sec. 807. Section 249A.32B, Code 2023, is amended to read
35 as follows:

1 **249A.32B Early and periodic screening, diagnosis, and**
2 **treatment funding.**

3 The department ~~of human services~~, in consultation with
4 the ~~Iowa department of public health and the~~ department of
5 education, shall continue the program to utilize the early and
6 periodic screening, diagnosis, and treatment program funding
7 under the medical assistance program, to the extent possible,
8 to implement the screening component of the early and periodic
9 screening, diagnosis, and treatment program through the
10 schools. The department may enter into contracts to utilize
11 maternal and child health centers, the public health nursing
12 program, or school nurses in implementing this section.

13 Sec. 808. Section 249A.33, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. A pharmaceutical settlement account is created in
16 the state treasury under the authority of the department ~~of~~
17 ~~human services~~. Moneys received from settlements relating
18 to provision of pharmaceuticals under the medical assistance
19 program shall be deposited in the account.

20 Sec. 809. Section 249A.37, subsection 1, paragraph a, Code
21 2023, is amended to read as follows:

22 a. Provide, with respect to individuals who are eligible
23 for or are provided medical assistance under the state's
24 medical assistance state plan, upon the request of the state,
25 information to determine during what period the individual or
26 the individual's spouse or dependents may be or may have been
27 covered by a health insurer and the nature of the coverage that
28 is or was provided by the health insurer, including the name,
29 address, and identifying number of the plan, in accordance
30 with section 505.25, in a manner prescribed by the department
31 ~~of human services~~ or as agreed upon by the department and the
32 entity specified in this section.

33 Sec. 810. Section 249A.37, subsection 2, Code 2023, is
34 amended to read as follows:

35 2. The department ~~of human services~~ may adopt rules pursuant

1 to chapter 17A as necessary to implement this section. Rules
 2 governing the exchange of information under this section shall
 3 be consistent with all laws, regulations, and rules relating
 4 to the confidentiality or privacy of personal information or
 5 medical records, including but not limited to the federal
 6 Health Insurance Portability and Accountability Act of 1996,
 7 Pub. L. No. 104-191, and regulations promulgated in accordance
 8 with that Act and published in 45 C.F.R. pts. 160 – 164.

9 Sec. 811. Section 249A.48, Code 2023, is amended to read as
 10 follows:

11 **249A.48 Temporary moratoria.**

12 1. The ~~Iowa~~ Medicaid enterprise program shall impose a
 13 temporary moratorium on the enrollment of new providers or
 14 provider types identified by the centers for Medicare and
 15 Medicaid services of the United States department of health
 16 and human services as posing an increased risk to the ~~medical~~
 17 assistance Medicaid program.

18 a. This section shall not be interpreted to require the
 19 ~~Iowa~~ Medicaid enterprise program to impose a moratorium if the
 20 ~~Iowa~~ Medicaid enterprise program determines that imposition
 21 of a temporary moratorium would adversely affect access of
 22 recipients to medical assistance services.

23 b. If the ~~Iowa~~ Medicaid enterprise program makes a
 24 determination as specified in paragraph "a", the ~~Iowa~~ Medicaid
 25 enterprise program shall notify the centers for Medicare and
 26 Medicaid services of the United States department of health and
 27 human services in writing.

28 2. The ~~Iowa~~ Medicaid enterprise program may impose a
 29 temporary moratorium on the enrollment of new providers, or
 30 impose numerical caps or other limits that the ~~Iowa~~ Medicaid
 31 enterprise program and the centers for Medicare and Medicaid
 32 services identify as having a significant potential for fraud,
 33 waste, or abuse.

34 a. Before implementing the moratorium, caps, or other
 35 limits, the ~~Iowa~~ Medicaid enterprise program shall determine

1 that its action would not adversely impact access by recipients
2 to ~~medical assistance~~ Medicaid services.

3 **b.** The ~~Iowa Medicaid enterprise program~~ shall notify, in
4 writing, the centers for Medicare and Medicaid services, if the
5 ~~Iowa Medicaid enterprise program~~ seeks to impose a moratorium
6 under this subsection, including all of the details of the
7 moratorium. The ~~Iowa Medicaid enterprise program~~ shall receive
8 approval from the centers for Medicare and Medicaid services
9 prior to imposing a moratorium under this subsection.

10 **3. a.** The ~~Iowa Medicaid enterprise program~~ shall impose any
11 moratorium for an initial period of six months.

12 **b.** If the ~~Iowa Medicaid enterprise program~~ determines that
13 it is necessary, the ~~Iowa Medicaid enterprise program~~ may
14 extend the moratorium in six-month increments. Each time a
15 moratorium is extended, the ~~Iowa Medicaid enterprise program~~
16 shall document, in writing, the necessity for extending the
17 moratorium.

18 Sec. 812. Section 249A.50, subsection 2, Code 2023, is
19 amended to read as follows:

20 **2.** The department of inspections and appeals shall conduct
21 investigations and audits as deemed necessary to ensure
22 compliance with the medical assistance program administered
23 under this chapter. The department of inspections and appeals
24 shall cooperate with the department of ~~human services~~ on the
25 development of procedures relating to such investigations and
26 audits to ensure compliance with federal and state single state
27 agency requirements.

28 Sec. 813. Section 249B.1, subsection 4, Code 2023, is
29 amended to read as follows:

30 **4.** "*Department*" means the department of health and human
31 services.

32 Sec. 814. Section 249F.1, Code 2023, is amended to read as
33 follows:

34 **249F.1 Definitions.**

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "Department" means the department of health and human
3 services.

4 ~~1.~~ 2. *"Medical assistance"* means *"mandatory medical*
5 *assistance"*, *"optional medical assistance"*, *"discretionary*
6 *medical assistance"*, or *"Medicare cost sharing"* as each is
7 defined in section 249A.2 which is provided to an individual
8 pursuant to chapter 249A and Tit. XIX of the federal Social
9 Security Act.

10 ~~2.~~ 3. a. *"Transfer of assets"* means any transfer or
11 assignment of a legal or equitable interest in property, as
12 defined in section 702.14, from a transferor to a transferee
13 for less than fair consideration, made while the transferor
14 is receiving medical assistance or within five years prior to
15 application for medical assistance by the transferor. Any
16 such transfer or assignment is presumed to be made with the
17 intent, on the part of the transferee; transferor; or another
18 person acting on behalf of a transferor who is an actual or
19 implied agent, guardian, attorney-in-fact, or person acting as
20 a fiduciary, of enabling the transferor to obtain or maintain
21 eligibility for medical assistance or of impacting the recovery
22 or payment of a medical assistance debt. This presumption
23 is rebuttable only by clear and convincing evidence that
24 the transferor's eligibility or potential eligibility for
25 medical assistance or the impact on the recovery or payment
26 of a medical assistance debt was no part of the reason of
27 the transferee; transferor; or other person acting on behalf
28 of a transferor who is an actual or implied agent, guardian,
29 attorney-in-fact, or person acting as a fiduciary for making
30 or accepting the transfer or assignment. A transfer of assets
31 includes a transfer of an interest in the transferor's home,
32 domicile, or land appertaining to such home or domicile
33 while the transferor is receiving medical assistance, unless
34 otherwise exempt under paragraph "b".

35 b. However, transfer of assets does not include the

1 following:

2 (1) Transfers to or for the sole benefit of the
3 transferor's spouse, including a transfer to a spouse by an
4 institutionalized spouse pursuant to section 1924(f)(1) of the
5 federal Social Security Act.

6 (2) Transfers to or for the sole benefit of the transferor's
7 child who is blind or has a disability as defined in section
8 1614 of the federal Social Security Act.

9 (3) Transfer of a dwelling, which serves as the transferor's
10 home as defined in 20 C.F.R. §416.1212, to a child of the
11 transferor under twenty-one years of age.

12 (4) Transfer of a dwelling, which serves as the transferor's
13 home as defined in 20 C.F.R. §416.1212, after the transferor is
14 institutionalized, to either of the following:

15 (a) A sibling of the transferor who has an equity interest
16 in the dwelling and who was residing in the dwelling for a
17 period of at least one year immediately prior to the date the
18 transferor became institutionalized.

19 (b) A child of the transferor who was residing in the
20 dwelling for a period of at least two years immediately prior
21 to the date the transferor became institutionalized and who
22 provided care to the transferor which permitted the transferor
23 to reside at the dwelling rather than in an institution or
24 facility.

25 (5) Transfers of less than two thousand dollars. However,
26 all transfers by the same transferor during the five-year
27 period prior to application for medical assistance by the
28 transferor shall be aggregated. If a transferor transfers
29 property to more than one transferee during the five-year
30 period prior to application for medical assistance by the
31 transferor, the two thousand dollar exemption shall be divided
32 equally between the transferees.

33 (6) Transfers of assets that would, at the time of the
34 transferor's application for medical assistance, have been
35 exempt from consideration as a resource if retained by the

1 transferor, pursuant to 42 U.S.C. §1382b(a), as implemented
2 by regulations adopted by the secretary of the United States
3 department of health and human services, excluding the home and
4 land appertaining to the home.

5 (7) Transfers to a trust established solely for the benefit
6 of the transferor's child who is blind or permanently and
7 totally disabled as defined in the federal Social Security Act,
8 section 1614, as codified in 42 U.S.C. §1382c.

9 (8) Transfers to a trust established solely for the benefit
10 of an individual under sixty-five years of age who is disabled,
11 as defined in the federal Social Security Act, section 1614, as
12 codified in 42 U.S.C. §1382c.

13 ~~3.~~ 4. "*Transferee*" means the person who receives a transfer
14 of assets.

15 ~~4.~~ 5. "*Transferor*" means the person who makes a transfer
16 of assets.

17 Sec. 815. Section 249F.2, Code 2023, is amended to read as
18 follows:

19 **249F.2 Creation of debt.**

20 A transfer of assets creates a debt due and owing to the
21 ~~department of human services~~ from the transferee in an amount
22 equal to medical assistance provided to or on behalf of the
23 transferor, on or after the date of the transfer of assets, but
24 not exceeding the fair market value of the assets at the time
25 of the transfer.

26 Sec. 816. Section 249F.3, Code 2023, is amended to read as
27 follows:

28 **249F.3 Notice of debt — failure to respond — hearing —**
29 **order.**

30 1. The ~~department of human services~~ may issue a notice
31 establishing and demanding payment of an accrued or accruing
32 debt due and owing to the ~~department of human services~~ as
33 provided in section 249F.2. The notice shall be sent by
34 restricted certified mail as defined in section 618.15, to
35 the transferee at the transferee's last known address. If

1 service of the notice is unable to be completed by restricted
2 certified mail, the notice shall be served upon the transferee
3 in accordance with the rules of civil procedure. The notice
4 shall include all of the following:

5 *a.* The amount of medical assistance provided to the
6 transferor to date which creates the debt.

7 *b.* A computation of the debt due and owing.

8 *c.* A demand for immediate payment of the debt.

9 *d.* (1) A statement that if the transferee desires to
10 discuss the notice, the transferee, within ten days after
11 being served, may contact the department ~~of human services~~ and
12 request an informal conference.

13 (2) A statement that if a conference is requested, the
14 transferee has until ten days after the date set for the
15 conference or until twenty days after the date of service of
16 the original notice, whichever is later, to send a request for
17 a hearing to the department ~~of human services~~.

18 (3) A statement that after the holding of the conference,
19 the department ~~of human services~~ may issue a new notice to
20 be sent to the transferee by first-class mail addressed to
21 the transferee at the transferee's last known address, or if
22 applicable, to the transferee's attorney at the last known
23 address of the transferee's attorney.

24 (4) A statement that if the department ~~of human services~~
25 issues a new notice, the transferee has until ten days after
26 the date of mailing of the new notice or until twenty days
27 after the date of service of the original notice, whichever is
28 later, to send a request for a hearing to the department ~~of~~
29 ~~human services~~.

30 *e.* A statement that if the transferee objects to all or any
31 part of the original notice and no conference is requested, the
32 transferee has until twenty days after the date of service of
33 the original notice to send a written response setting forth
34 any objections and requesting a hearing to the department ~~of~~
35 ~~human services~~.

1 *f.* A statement that if a timely written request for a
2 hearing is received by the department ~~of human services~~, the
3 transferee has the right to a hearing to be held in district
4 court as provided in section 249F.4; and that if no timely
5 written request for hearing is received, the department ~~of~~
6 ~~human services~~ will enter an order in accordance with the
7 latest notice.

8 *g.* A statement that as soon as the order is entered, the
9 property of the transferee is subject to collection action,
10 including but not limited to wage withholding, garnishment,
11 attachment of a lien, or execution.

12 *h.* A statement that the transferee must notify the
13 department ~~of human services~~ of any change of address or
14 employment.

15 *i.* A statement that if the transferee has any questions
16 concerning the transfer of assets, the transferee should
17 contact the department ~~of human services~~ or consult an
18 attorney.

19 *j.* Other information as the department ~~of human services~~
20 finds appropriate.

21 2. If a timely written request for hearing is received by
22 the department ~~of human services~~, a hearing shall be held in
23 district court.

24 3. If a timely written request for hearing is not received
25 by the department ~~of human services~~, the department may enter
26 an order in accordance with the latest notice, and the order
27 shall specify all of the following:

28 *a.* The amount to be paid with directions as to the manner
29 of payment.

30 *b.* The amount of the debt accrued and accruing in favor of
31 the department ~~of human services~~.

32 *c.* Notice that the property of the transferee is subject
33 to collection action, including but not limited to wage
34 withholding, garnishment, attachment of a lien, and execution.

35 4. The transferee shall be sent a copy of the order

1 by first-class mail addressed to the transferee at the
2 transferee's last known address, or if applicable, to the
3 transferee's attorney at the last known address of the
4 transferee's attorney. The order is final, and action by the
5 department of ~~human services~~ to enforce and collect upon the
6 order may be taken from the date of the issuance of the order.

7 Sec. 817. Section 249F.4, subsections 1 and 3, Code 2023,
8 are amended to read as follows:

9 1. If a timely written request for a hearing is received,
10 the department of ~~human services~~ shall certify the matter to
11 the district court in the county where the transferee resides.

12 3. The department of ~~human services~~ may also request a
13 hearing on its own motion regarding the determination of a
14 debt, at any time prior to entry of an administrative order.

15 Sec. 818. Section 249F.5, subsections 1 and 2, Code 2023,
16 are amended to read as follows:

17 1. A true copy of an order entered by the department of
18 ~~human services~~ pursuant to this chapter, along with a true
19 copy of the return of service, if applicable, may be filed in
20 the office of the clerk of the district court in the county
21 in which the transferee resides or, if the transferee resides
22 in another state, in the office of the district court in the
23 county in which the transferor resides.

24 2. The department of ~~human services~~ order shall be
25 presented, ex parte, to the district court for review and
26 approval. Unless defects appear on the face of the order or on
27 the attachments, the district court shall approve the order.
28 The approved order shall have all force, effect, and attributes
29 of a docketed order or decree of the district court.

30 Sec. 819. Section 249F.7, Code 2023, is amended to read as
31 follows:

32 **249F.7 Administration.**

33 As provided in this chapter, the establishment of a debt
34 for medical assistance due to transfer of assets shall
35 be administered by the department of ~~human services~~. All

1 administrative discretion in the administration of this chapter
 2 shall be exercised by the department ~~of human services~~, and any
 3 state administrative rules implementing or interpreting this
 4 chapter shall be adopted by the department ~~of human services~~.

5 Sec. 820. Section 249K.2, Code 2023, is amended to read as
 6 follows:

7 **249K.2 Definitions.**

8 As used in this chapter, unless the context otherwise
 9 requires:

10 1. *"Complete replacement"* means completed construction on
 11 a new nursing facility to replace an existing licensed and
 12 certified facility. The replacement facility shall be located
 13 in the same geographical service area as the facility that is
 14 replaced and shall have the same number or fewer licensed beds
 15 than the original facility.

16 2. *"Department"* means the department of health and human
 17 services.

18 ~~3. *"Iowa Medicaid enterprise"* means Iowa Medicaid enterprise~~
 19 ~~as defined in section 135D.2.~~

20 ~~4.~~ 3. *"Major renovations"* means construction or facility
 21 improvements to a nursing facility in which the total amount
 22 expended exceeds seven hundred fifty thousand dollars.

23 ~~5.~~ 4. *"Medical assistance", or "medical assistance program",*
 24 or "Medicaid program" means the medical assistance program
 25 created pursuant to chapter 249A.

26 ~~6.~~ 5. *"New construction"* means the construction of a new
 27 nursing facility which does not replace an existing licensed
 28 and certified facility and requires the provider to obtain a
 29 certificate of need pursuant to chapter 135, subchapter VI.

30 ~~7.~~ 6. *"Nondirect care component"* means the portion of
 31 the reimbursement rate under the medical assistance program
 32 attributable to administrative, environmental, property, and
 33 support care costs reported on the provider's financial and
 34 statistical report.

35 ~~8.~~ 7. *"Nursing facility"* means a nursing facility as

1 defined in section 135C.1.

2 ~~9.~~ 8. "*Provider*" means a current or future owner or
3 operator of a nursing facility that provides medical assistance
4 program services.

5 ~~10.~~ 9. "*Rate determination letter*" means the letter that
6 is distributed quarterly by the ~~Iowa Medicaid enterprise~~
7 program to each nursing facility, which is based on previously
8 submitted financial and statistical reports from each nursing
9 facility.

10 Sec. 821. Section 249K.3, subsection 2, paragraphs a and e,
11 Code 2023, are amended to read as follows:

12 a. The provider shall submit a written request for instant
13 relief to the ~~Iowa Medicaid enterprise~~ program explaining the
14 nature, timing, and goals of the project and the time period
15 during which the relief is requested. The written request
16 shall clearly state if the provider is also requesting the
17 nondirect care limit exception. The written request for
18 instant relief shall be submitted no earlier than thirty days
19 prior to the placement of the provider's assets in service.
20 The written request for relief shall provide adequate details
21 to calculate the estimated value of relief including but not
22 limited to the total cost of the project, the estimated annual
23 depreciation expenses using generally accepted accounting
24 principles, the estimated useful life based upon existing
25 medical assistance and Medicare provisions, and a copy of the
26 most current depreciation schedule. If interest expenses are
27 included, a copy of the general terms of the debt service and
28 the estimated annual amount of the interest expenses shall be
29 submitted with the written request for relief.

30 e. During the period in which instant relief is granted, the
31 ~~Iowa Medicaid enterprise~~ program shall recalculate the value of
32 the instant relief based on allowable costs and patient days
33 reported on the annual financial and statistical report. For
34 purposes of calculating the per diem relief, total patient
35 days shall be the greater of actual annual patient days or

1 eighty-five percent of the facility's licensed capacity. The
 2 actual value of relief shall be added to the nondirect care
 3 component for the relevant period, not to exceed one hundred
 4 ten percent of the nondirect care median for the relevant
 5 period or not to exceed one hundred twenty percent of the
 6 nondirect care median for the relevant period if the nondirect
 7 care limit exception is requested and granted. The provider's
 8 quarterly rates for the relevant period shall be retroactively
 9 adjusted to reflect the revised nondirect care rate. All
 10 claims with dates of service from the date that instant relief
 11 is granted to the date that the instant relief is terminated
 12 shall be repriced to reflect the actual value of the instant
 13 relief per diem utilizing a mass adjustment.

14 Sec. 822. Section 249K.5, subsections 1 and 3, Code 2023,
 15 are amended to read as follows:

16 1. The ~~Iowa Medicaid enterprise~~ program shall administer
 17 this chapter. The department of ~~human services~~ shall adopt
 18 rules, pursuant to chapter 17A, to administer this chapter.

19 3. In addition to any other factors to be considered in
 20 determining if a provider is eligible to participate under this
 21 chapter, the ~~Iowa Medicaid enterprise~~ program shall consider
 22 all of the following:

23 a. The history of the provider's regulatory compliance.

24 b. The historical access to nursing facility services for
 25 medical assistance program beneficiaries.

26 c. The provider's dedication to and participation in quality
 27 of care, considering all quality programs in which the provider
 28 has participated.

29 d. The provider's plans to facilitate person-directed care.

30 e. The provider's plans to facilitate dementia units and
 31 specialty post-acute services.

32 Sec. 823. Section 249L.2, subsection 1, Code 2023, is
 33 amended to read as follows:

34 1. "*Department*" means the department of health and human
 35 services.

1 Sec. 824. Section 249M.2, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. "*Department*" means the department of health and human
4 services.

5 Sec. 825. Section 249M.4, subsection 5, paragraph b,
6 subparagraph (2), Code 2023, is amended to read as follows:

7 (2) The projected expenditures for participating hospitals
8 for the fiscal year beginning July 1, 2010, as determined by
9 the ~~fiscal management division of the~~ department, plus the
10 amount calculated under subparagraph (1).

11 Sec. 826. Section 249N.2, subsections 4, 5, and 14, Code
12 2023, are amended to read as follows:

13 4. "*Department*" means the department of health and human
14 services.

15 5. "*Director*" means the director of health and human
16 services.

17 14. "*Medical assistance program*", "*Medicaid program*", or
18 "*Medicaid*" means the program paying all or part of the costs of
19 care and services provided to an individual pursuant to chapter
20 249A and Tit. XIX of the federal Social Security Act.

21 Sec. 827. Section 249N.5, subsection 2, paragraph a, Code
22 2023, is amended to read as follows:

23 a. For members whose household income is at or below one
24 hundred percent of the federal poverty level, the plan shall be
25 administered by the ~~Iowa Medicaid enterprise program~~ consistent
26 with program administration applicable to individuals under
27 section 249A.3, subsection 1.

28 Sec. 828. Section 251.1, Code 2023, is amended to read as
29 follows:

30 **251.1 Definitions.**

31 As used in this chapter:

32 ~~1. "*Administrator*" means the administrator of the division~~
33 ~~of adult, children, and family services of the department of~~
34 ~~human services.~~

35 ~~2. 1. "*Division*" or "*state division*"~~ "*Department*" means

1 ~~the division of adult, children, and family services of the~~
2 department of health and human services.

3 2. "Director" means the director of health and human
4 services.

5 Sec. 829. Section 251.2, Code 2023, is amended to read as
6 follows:

7 **251.2 Administration of emergency relief.**

8 The ~~state division~~ department, in addition to all other
9 powers and duties given ~~it~~ the department by law, ~~shall be is~~
10 charged with the supervision and administration of all funds
11 ~~coming into the hands of~~ received by the state ~~now or hereafter~~
12 ~~provided~~ for emergency relief.

13 Sec. 830. Section 251.3, Code 2023, is amended to read as
14 follows:

15 **251.3 Powers and duties.**

16 The ~~administrator~~ director shall have the power to do all of
17 the following:

18 1. Appoint ~~such~~ personnel as ~~may be~~ necessary for the
19 efficient discharge of the duties imposed ~~upon~~ on the
20 ~~administrator in the administration of emergency relief,~~
21 director and ~~to make such~~ rules and regulations ~~as the~~
22 ~~administrator deems~~ necessary or advisable ~~covering~~ relating
23 to the administrator's director's activities and those of the
24 ~~service-area~~ advisory boards created under section 217.43,
25 concerning emergency relief.

26 2. Join and cooperate with the government of the
27 United States, or any of its appropriate agencies or
28 instrumentalities, in any ~~proper~~ emergency relief activity.

29 3. Make ~~such~~ reports of budget estimates to the governor
30 and ~~to~~ the general assembly as ~~are~~ required by law, ~~or are~~
31 as necessary ~~and proper~~ to obtain appropriations of funds
32 ~~necessary~~ for emergency relief ~~purposes~~ and for all the
33 purposes of this chapter.

34 4. Determine the need for funds in the various counties of
35 the state basing such determination upon the amount of money

1 needed in the various counties to provide adequate emergency
 2 relief, and upon the counties' financial inability to provide
 3 such relief from county funds. The ~~administrator~~ director may
 4 administer ~~said state~~ funds ~~belonging to the state~~ within the
 5 various counties of the state to supplement local funds as
 6 needed.

7 5. Make ~~such~~ reports, obtain and furnish ~~such~~ information
 8 ~~from time to time~~ as may be required by the governor, ~~by the~~
 9 general assembly, or ~~by any other proper~~ appropriate state or
 10 federal office or agency, ~~state or federal~~, and make an annual
 11 report of ~~its~~ the department's emergency relief activities.

12 Sec. 831. Section 251.4, Code 2023, is amended to read as
 13 follows:

14 **251.4 Grants from state funds to counties.**

15 The ~~state division~~ department may require as a condition
 16 of making ~~available~~ state assistance available to counties
 17 for emergency relief purposes, that the county boards of
 18 supervisors ~~shall~~ establish budgets ~~as needed~~ in respect to the
 19 relief situation in the counties.

20 Sec. 832. Section 251.5, Code 2023, is amended to read as
 21 follows:

22 **251.5 Duties of the ~~service area~~ advisory board.**

23 ~~A service area~~ The advisory board created in section 217.43
 24 shall perform the following activities ~~for any county~~ in
 25 the ~~board's service area~~ counties represented on the board
 26 concerning emergency relief:

27 1. Cooperate with a county's board of supervisors in all
 28 matters pertaining to administration of relief.

29 2. At the request of a county's board of supervisors,
 30 prepare requests for grants of state funds.

31 3. At the request of a county's board of supervisors,
 32 administer county relief funds.

33 4. In a county receiving grants of state funds upon approval
 34 of the director of the department of administrative services
 35 and the county's board of supervisors, administer both state

1 and county relief funds.

2 5. Perform other duties as may be prescribed by the
3 ~~administrator~~ department and a county's board of supervisors.

4 Sec. 833. Section 251.6, Code 2023, is amended to read as
5 follows:

6 **251.6 County supervisors to determine emergency relief and**
7 **work projects.**

8 The county board of supervisors shall supervise
9 administration of emergency relief, and shall determine the
10 minimum amount of relief required for each person or family,
11 which persons are employable, and whether and under what
12 conditions persons receiving emergency relief may be employed
13 by the county.

14 Sec. 834. Section 251.7, Code 2023, is amended to read as
15 follows:

16 **251.7 County appointees to act as executive officers.**

17 The county board of supervisors may appoint ~~an individual a~~
18 person to serve as the executive officer of the ~~service area~~
19 advisory board in all matters pertaining to relief for that
20 county.

21 Sec. 835. Section 252.26, Code 2023, is amended to read as
22 follows:

23 **252.26 General assistance director.**

24 The board of supervisors in each county shall appoint or
25 designate a general assistance director for the county, who
26 shall have the powers and duties conferred by this chapter.
27 In counties of one hundred thousand or less population, the
28 county board may designate as general assistance director an
29 employee of the ~~state~~ department of health and human services
30 who is assigned to work in that county and ~~is~~ directed by the
31 director of health and human services, pursuant to an agreement
32 with the county board, to exercise the functions and duties
33 of general assistance director in that county. The general
34 assistance director shall receive as compensation an amount to
35 be determined by the county board.

1 Sec. 836. Section 252.33, Code 2023, is amended to read as
2 follows:

3 **252.33 Application for assistance.**

4 A person may make application for assistance to a member
5 of the board of supervisors, or to the general assistance
6 director of the county where the person is. If application
7 is made to the general assistance director and that officer
8 is satisfied that the applicant is in a state of want which
9 requires assistance at the public expense, the general
10 assistance director may afford temporary assistance, subject to
11 the approval of the board of supervisors, as the necessities
12 of the person require and shall immediately report the case to
13 the board of supervisors, who may continue or deny assistance,
14 as they find cause.

15 Sec. 837. Section 252.37, Code 2023, is amended to read as
16 follows:

17 **252.37 Appeal to supervisors.**

18 If a poor person, on application to the general assistance
19 director, is refused the required assistance, the applicant
20 may appeal to the board of supervisors, who, upon examination
21 into the matter, may order the general assistance director to
22 provide assistance, or who may direct specific assistance.

23 Sec. 838. Section 252A.2, subsections 7 and 8, Code 2023,
24 are amended to read as follows:

25 7. "*Petitioner*" includes each dependent person for whom
26 support is sought in a proceeding instituted pursuant to
27 this chapter or a mother or putative father of a dependent.
28 However, in an action brought by the child support ~~recovery~~
29 ~~unit~~ services, the state is the petitioner.

30 8. "*Petitioner's representative*" includes counsel of a
31 dependent person for whom support is sought and counsel for a
32 mother or putative father of a dependent. In an action brought
33 by the child support ~~recovery-unit~~ services, "*petitioner's*
34 *representative*" includes a county attorney, state's attorney
35 and any other public officer, by whatever title the officer's

1 public office may be known, charged by law with the duty of
2 instituting, maintaining, or prosecuting a proceeding under
3 this chapter or under the laws of the state.

4 Sec. 839. Section 252A.3A, subsections 3, 4, 7, 10, 12, and
5 13, Code 2023, are amended to read as follows:

6 3. a. Prior to or at the time of completion of an affidavit
7 of paternity, written and oral information about paternity
8 establishment, developed by the child support ~~recovery unit~~
9 services created in section 252B.2, shall be provided to the
10 mother and putative father. Video or audio equipment may be
11 used to provide oral information.

12 b. The information provided shall include a description
13 of parental rights and responsibilities, including the duty
14 to provide financial support for the child, the benefits of
15 establishing paternity, and the alternatives to and legal
16 consequences of signing an affidavit of paternity, including
17 the rights available if a parent is a minor.

18 c. Copies of the written information shall be made
19 available by the child support ~~recovery unit~~ services or the
20 Iowa department of ~~public health and human services~~ to those
21 entities where an affidavit of paternity may be obtained as
22 provided under subsection 4.

23 4. a. The affidavit of paternity form developed and used by
24 the Iowa department of ~~public health and human services~~ is the
25 only affidavit of paternity form recognized for the purpose of
26 establishing paternity under this section. It shall include
27 the minimum requirements specified by the secretary of the
28 United States department of health and human services pursuant
29 to 42 U.S.C. §652(a)(7). A properly completed affidavit of
30 paternity form developed by the Iowa department of ~~public~~
31 health and human services and existing on or after July 1,
32 1993, but which is superseded by a later affidavit of paternity
33 form developed by the Iowa department of ~~public health and~~
34 human services, shall have the same legal effect as a paternity
35 affidavit form used by the Iowa department of ~~public health and~~

1 human services on or after July 1, 1997, regardless of the date
2 of the filing and registration of the affidavit of paternity,
3 unless otherwise required under federal law.

4 **b.** The form shall be available from the state registrar,
5 each county registrar, ~~the child support recovery unit~~
6 services, and any institution in the state.

7 **c.** The ~~Iowa~~ department of ~~public~~ health and human services
8 shall make copies of the form available to the entities
9 identified in paragraph "b" for distribution.

10 7. The state registrar shall make copies of affidavits
11 of paternity and identifying information from the affidavits
12 filed and registered pursuant to this section available to ~~the~~
13 ~~child support recovery unit~~ services created under section
14 252B.2 in accordance with section 144.13, subsection 4, and any
15 subsequent rescission form which rescinds the affidavit.

16 10. **a.** An institution may be reimbursed by ~~the child~~
17 ~~support recovery unit~~ services created in section 252B.2 for
18 providing the services described under subsection 9, or may
19 provide the services at no cost.

20 **b.** An institution electing reimbursement shall enter into a
21 written agreement with ~~the child support recovery unit~~ services
22 for this purpose.

23 **c.** An institution entering into an agreement for
24 reimbursement shall assist the parents of a child born out of
25 wedlock in completing and filing an affidavit of paternity.

26 **d.** Reimbursement shall be based only on the number of
27 affidavits completed in compliance with this section and
28 submitted to the state registrar during the duration of
29 the written agreement with ~~the child support recovery unit~~
30 services.

31 **e.** The reimbursement rate is twenty dollars for each
32 completed affidavit filed with the state registrar.

33 12. **a.** A completed affidavit of paternity may be rescinded
34 by registration by the state registrar of a completed and
35 notarized rescission form signed by either the mother or

1 putative father who signed the affidavit of paternity that the
2 putative father is not the father of the child. The completed
3 and notarized rescission form shall be filed with the state
4 registrar for the purpose of registration prior to the earlier
5 of the following:

6 (1) Sixty days after the latest notarized signature of the
7 mother or putative father on the affidavit of paternity.

8 (2) Entry of a court order pursuant to a proceeding in this
9 state to which the signatory is a party relating to the child,
10 including a proceeding to establish a support order under this
11 chapter, chapter 252C, 252F, 598, or 600B or other law of this
12 state.

13 b. Unless the state registrar has received and registered an
14 order as provided in section 252A.3, subsection 10, paragraph
15 "a", which legally establishes paternity, upon registration
16 of a timely rescission form the state registrar shall remove
17 the father's information from the certificate of birth, and
18 shall send a written notice of the rescission to the last known
19 address of the signatory of the affidavit of paternity who did
20 not sign the rescission form.

21 c. The ~~Iowa~~ department of public health and human services
22 shall develop a rescission form and an administrative process
23 for rescission. The form shall be the only rescission form
24 recognized for the purpose of rescinding a completed affidavit
25 of paternity. A completed rescission form shall include the
26 signature of a notary public attesting to the identity of
27 the party signing the rescission form. The ~~Iowa~~ department
28 of public health and human services shall adopt rules which
29 establish a fee, based upon the average administrative cost, to
30 be collected for the registration of a rescission.

31 d. If an affidavit of paternity has been rescinded under
32 this subsection, the state registrar shall not register any
33 subsequent affidavit of paternity signed by the same mother and
34 putative father relating to the same child.

35 13. ~~The child~~ Child support ~~recovery unit~~ services may

1 enter into a written agreement with an entity designated by the
2 secretary of the United States department of health and human
3 services to offer voluntary paternity establishment services.

4 a. The agreement shall comply with federal requirements
5 pursuant to 42 U.S.C. §666(a)(5)(C) including those regarding
6 notice, materials, training, and evaluations.

7 b. The agreement may provide for reimbursement of the entity
8 by the state if reimbursement is permitted by federal law.

9 Sec. 840. Section 252A.5, subsections 2 and 3, Code 2023,
10 are amended to read as follows:

11 2. Whenever the state or a political subdivision ~~thereof~~ of
12 the state furnishes support to a dependent, ~~it the political~~
13 subdivision of the state has the same right through proceedings
14 instituted by the petitioner's representative to invoke
15 the provisions ~~hereof~~ of this section as the dependent to
16 whom the support was furnished, for the purpose of securing
17 reimbursement of expenditures so made and of obtaining
18 continuing support; the petition in such case may be verified
19 by any official having knowledge of such expenditures without
20 further verification of any person and consent of the dependent
21 shall not be required in order to institute proceedings under
22 this chapter. ~~The child~~ Child support ~~recovery unit~~ services
23 may bring the action based upon a statement of a witness,
24 regardless of age, with knowledge of the circumstances,
25 including, but not limited to, statements by the mother of the
26 dependent or a relative of the mother or the putative father.

27 3. If ~~the child~~ support ~~recovery unit~~ services is providing
28 services, ~~the unit~~ child support services has the same right
29 to invoke the provisions of this section as the dependent for
30 which support is owed for the purpose of securing support. The
31 petition in such case may be verified by any official having
32 knowledge of the request for services by ~~the unit~~ child support
33 services, without further verification by any other person,
34 and consent of the dependent shall not be required in order
35 to institute proceedings under this chapter. ~~The child~~ Child

1 support ~~recovery-unit~~ services may bring the action based upon
 2 the statement of a witness, regardless of age, with knowledge
 3 of the circumstances, including, but not limited to, statements
 4 by the mother of the dependent or a relative of the mother or
 5 the putative father.

6 Sec. 841. Section 252A.13, subsections 1 and 3, Code 2023,
 7 are amended to read as follows:

8 1. If public assistance is provided by the department of
 9 health and human services to or on behalf of a dependent child
 10 or a dependent child's caretaker, there is an assignment by
 11 operation of law to the department of any and all rights in,
 12 title to, and interest in any support obligation, payment, and
 13 arrearages owed to or on behalf of the child or caretaker not
 14 to exceed the amount of public assistance paid for or on behalf
 15 of the child or caretaker as follows:

16 a. For family investment program assistance, section 239B.6
 17 shall apply.

18 b. For foster care services, section 234.39 shall apply.

19 c. For medical assistance, section 252E.11 shall apply.

20 3. The clerk shall furnish the department with copies of
 21 all orders or decrees awarding and temporary domestic abuse
 22 orders addressing support when the parties are receiving public
 23 assistance or services are otherwise provided by the child
 24 support ~~recovery-unit~~ services. Unless otherwise specified
 25 in the order, an equal and proportionate share of any child
 26 support awarded is presumed to be payable on behalf of each
 27 child, subject to the order or judgment, for purposes of an
 28 assignment under this section.

29 Sec. 842. Section 252A.18, Code 2023, is amended to read as
 30 follows:

31 **252A.18 Registration of support order — notice.**

32 Registration of a support order of another state or foreign
 33 country shall be in accordance with chapter 252K except that,
 34 with regard to service, promptly upon registration, the clerk
 35 of the court shall, by restricted certified mail, or the child

1 support ~~recovery unit~~ services shall, as provided in section
 2 252B.26, send to the respondent notice of the registration with
 3 a copy of the registered support order or the respondent may
 4 be personally served with the notice and the copy of the order
 5 in the same manner as original notices are personally served.
 6 The clerk shall also docket the case and notify the prosecuting
 7 attorney of the action. The clerk shall maintain a registry of
 8 all support orders registered pursuant to this section. The
 9 filing is in equity.

10 Sec. 843. Section 252B.1, Code 2023, is amended to read as
 11 follows:

12 **252B.1 Definitions.**

13 As used in this chapter, unless the context otherwise
 14 requires:

15 1. "*Absent parent*" means the parent who either cannot be
 16 located or who is located and is not residing with the child
 17 at the time the support collection or paternity determination
 18 services provided in sections 252B.5 and 252B.6 are requested
 19 or commenced.

20 2. "*Child*" includes but shall not be limited to a stepchild,
 21 foster child, or legally adopted child and means a child
 22 actually or apparently under eighteen years of age or a
 23 dependent person eighteen years of age or over who is unable
 24 to maintain the person's self and is likely to become a public
 25 charge. "*Child*" includes "*child*" as defined in section 239B.1.

26 3. "*Child support agency*" means child support agency as
 27 defined in section 252H.2.

28 4. "*Child support services*" means child support services
 29 created in section 252B.2.

30 ~~4.~~ 5. "*Department*" means the department of health and human
 31 services.

32 ~~5.~~ 6. "*Director*" means the director of health and human
 33 services.

34 ~~6.~~ 7. "*Obligor*" means the person legally responsible for
 35 the support of a child as defined in section 252D.16 or 598.1

1 under a support order issued in this state or pursuant to the
2 laws of another state or foreign country.

3 ~~7.~~ 8. *"Resident parent"* means the parent with whom the
4 child is residing at the time the support collection or
5 paternity determination services provided in sections 252B.5
6 and 252B.6 are requested or commenced.

7 ~~8.~~ *"Unit"* ~~means the child support recovery unit created in~~
8 ~~section 252B.2.~~

9 Sec. 844. Section 252B.2, Code 2023, is amended to read as
10 follows:

11 **252B.2 Unit Child support services established —**
12 **intervention.**

13 There is created within the department ~~of human services~~
14 a child support ~~recovery unit~~ services for the purpose of
15 providing the services required in sections 252B.3 through
16 252B.6. ~~The unit~~ Child support services is not required to
17 intervene in actions to provide such services.

18 Sec. 845. Section 252B.3, Code 2023, is amended to read as
19 follows:

20 **252B.3 Duty of department to enforce child support —**
21 **cooperation — rules.**

22 1. Upon receipt by the department of an application for
23 public assistance on behalf of a child and determination by the
24 department that the child is eligible for public assistance and
25 that provision of child support services is appropriate, the
26 department shall take appropriate action under the provisions
27 of this chapter or under other appropriate statutes of this
28 state including but not limited to chapters 239B, 252A, 252C,
29 252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B, to
30 ensure that the parent or other person responsible for the
31 support of the child fulfills the support obligation. The
32 department shall also take appropriate action as required by
33 federal law upon receiving a request from a child support
34 agency for a child receiving public assistance in another
35 state.

1 2. The department ~~of human services~~ may negotiate a partial
2 payment of a support obligation with a parent or other person
3 responsible for the support of the child, provided that the
4 negotiation and partial payment are consistent with applicable
5 federal law and regulation.

6 3. The department shall adopt rules pursuant to chapter
7 17A regarding cases in which, under federal law, it is a
8 condition of eligibility for an individual who is an applicant
9 for or recipient of public assistance to cooperate in good
10 faith with the department in establishing the paternity of, or
11 in establishing, modifying, or enforcing a support order by
12 identifying and locating the parent of the child or enforcing
13 rights to support payments. The rules shall include all of the
14 following provisions:

15 a. As required by ~~the unit~~ child support services, the
16 individual shall provide the name of the noncustodial parent
17 and additional necessary information, and shall appear at
18 interviews, hearings, and legal proceedings.

19 b. If paternity is an issue, the individual and child shall
20 submit to blood or genetic tests pursuant to a judicial or
21 administrative order.

22 c. The individual may be requested to sign a voluntary
23 affidavit of paternity, after notice of the rights and
24 consequences of such an acknowledgment, but shall not be
25 required to sign an affidavit or otherwise relinquish the right
26 to blood or genetic tests.

27 d. ~~The unit~~ Child support services shall promptly notify
28 the individual and the ~~appropriate division of the department~~
29 ~~administering the~~ department's public assistance ~~program~~
30 programs of each determination by ~~the unit~~ child support
31 services of noncooperation of the individual and the reason for
32 such determination.

33 e. A procedure under which the individual may claim that,
34 and the department shall determine whether, the individual has
35 sufficient good cause or other exception for not cooperating,

1 taking into consideration the best interest of the child.

2 4. Without need for a court order and notwithstanding
3 the requirements of section 598.22A, the support payment
4 ordered pursuant to any chapter shall be satisfied as to the
5 department, the child, and either parent for the period during
6 which the parents are reconciled and are cohabiting, the child
7 for whom support is ordered is living in the same residence
8 as the parents, and the obligor receives public assistance on
9 the obligor's own behalf for the benefit of the child. The
10 department shall implement this subsection as follows:

11 a. ~~The unit~~ Child support services shall file a notice of
12 satisfaction with the clerk of court.

13 b. This subsection shall not apply unless all the children
14 for whom support is ordered reside with both parents, except
15 that a child may be absent from the home due to a foster care
16 placement pursuant to chapter 234 or a comparable law of
17 another state or foreign country.

18 c. ~~The unit~~ Child support services shall send notice
19 by regular mail to the obligor when the provisions of this
20 subsection no longer apply. A copy of the notice shall be
21 filed with the clerk of court.

22 d. This section shall not limit the rights of the parents or
23 the department to proceed by other means to suspend, terminate,
24 modify, reinstate, or establish support.

25 5. On or after July 1, 1999, the department shall implement
26 a program for the satisfaction of accrued support debts, based
27 upon timely payment by the obligor of both current support due
28 and any payments due for accrued support debt under a periodic
29 payment plan. ~~The unit~~ Child support services shall adopt
30 rules pursuant to chapter 17A to establish the criteria and
31 procedures for obtaining satisfaction under the program. The
32 rules adopted under this subsection shall specify the cases and
33 amounts to which the program is applicable, and may provide for
34 the establishment of the program as a pilot program.

35 Sec. 846. Section 252B.4, Code 2023, is amended to read as

1 follows:

2 **252B.4 Nonassistance cases.**

3 1. The child support and paternity determination services
4 established by the department pursuant to this chapter and
5 other appropriate services provided by law including but not
6 limited to the provisions of chapters 239B, 252A, 252C, 252D,
7 252E, 252F, 598, and 600B shall be made available by the
8 ~~unit~~ child support services to an individual not otherwise
9 eligible as a public assistance recipient upon application by
10 the individual for the services or upon referral as described
11 in subsection 4. The application shall be filed with the
12 department.

13 2. The director may collect a fee to cover the costs
14 incurred by the department for service of process, genetic
15 testing and court costs if the entity providing the service
16 charges a fee for the services.

17 3. Fees collected pursuant to this section shall be
18 considered repayment receipts, as defined in section 8.2,
19 and shall be used for the purposes of ~~the unit~~ child support
20 services. The director or a designee shall keep an accurate
21 record of the fees collected and expended.

22 4. ~~The unit~~ Child support services shall also provide child
23 support and paternity determination services and shall respond
24 as provided in federal law for an individual not otherwise
25 eligible as a public assistance recipient if ~~the unit~~ child
26 support services receives a request from any of the following:

27 a. A child support agency.

28 b. A foreign country as defined in chapter 252K.

29 Sec. 847. Section 252B.5, Code 2023, is amended to read as
30 follows:

31 **252B.5 ~~Services of unit~~ Child support services.**

32 ~~The child~~ Child support recovery unit services shall provide
33 the following services:

34 1. Assistance in the location of an absent parent or any
35 other person who has an obligation to support the child of the

1 resident parent.

2 2. Aid in establishing paternity and securing a court or
3 administrative order for support pursuant to chapter 252A,
4 252C, 252F, or 600B, or any other chapter providing for
5 the establishment of paternity or support. In an action to
6 establish support, the resident parent may be a proper party
7 defendant for purposes of determining medical support as
8 provided in section 252E.1A upon service of notice as provided
9 in this chapter and without a court order as provided in the
10 rules of civil procedure. ~~The unit's~~ Child support services'
11 independent cause of action shall not bar a party from seeking
12 support in a subsequent proceeding.

13 3. Aid in enforcing through court or administrative
14 proceedings an existing court order for support issued pursuant
15 to chapter 252A, 252C, 252F, 598, or 600B, or any other
16 chapter under which child or medical support is granted. The
17 director may enter into a contract with a private collection
18 agency to collect support payments for cases which have been
19 identified by the department as difficult collection cases
20 if the department determines that this form of collection is
21 more cost-effective than departmental collection methods. The
22 department shall utilize, to the maximum extent possible,
23 every available automated process to collect support payments
24 prior to referral of a case to a private collection agency.
25 A private collection agency with whom the department enters
26 a contract under this subsection shall comply with state and
27 federal confidentiality requirements and debt collection laws.
28 The director may use a portion of the state share of funds
29 collected through this means to pay the costs of any contract
30 authorized under this subsection.

31 4. Assistance to set off against a debtor's income tax
32 refund or rebate any support debt, which is assigned to
33 the department ~~of human services~~ or which the child support
34 ~~recovery unit~~ services is attempting to collect on behalf of
35 any individual not eligible as a public assistance recipient,

1 which has accrued through written contract, subrogation, or
2 court judgment, and which is in the form of a liquidated sum
3 due and owing for the care, support, or maintenance of a child.
4 Unless the periodic payment plan provisions for a retroactive
5 modification pursuant to section 598.21C apply, the entire
6 amount of a judgment for accrued support, notwithstanding
7 compliance with a periodic payment plan or regardless of the
8 date of entry of the judgment, is due and owing as of the date
9 of entry of the judgment and is delinquent for the purposes of
10 setoff, including for setoff against a debtor's federal income
11 tax refund or other federal nontax payment. The department
12 ~~of human services~~ shall adopt rules pursuant to chapter
13 17A necessary to assist the department of administrative
14 services in the implementation of the child support setoff as
15 established under section 8A.504.

16 5. a. In order to maximize the amount of any tax refund
17 to which an obligor may be entitled and which may be applied
18 to child support and medical support obligations, cooperate
19 with any volunteer or free income tax assistance programs in
20 the state in informing obligors of the availability of the
21 programs.

22 b. ~~The child~~ Child support ~~recovery unit~~ services shall
23 publicize the services of the volunteer or free income tax
24 assistance programs by distributing printed materials regarding
25 the programs.

26 6. Determine periodically whether an individual receiving
27 unemployment compensation benefits under chapter 96 owes a
28 support obligation which is being enforced by ~~the unit~~ child
29 support services, and enforce the support obligation through
30 court or administrative proceedings to have specified amounts
31 withheld from the individual's unemployment compensation
32 benefits.

33 7. Assistance in obtaining medical support as defined in
34 chapter 252E.

35 8. a. At the request of either parent who is subject to

1 the order of support or upon its own initiation, review the
2 amount of the support award in accordance with the guidelines
3 established pursuant to section 598.21B, and Tit. IV-D of the
4 federal Social Security Act, as amended, and take action to
5 initiate modification proceedings if the criteria established
6 pursuant to this section are met. However, a review of a
7 support award is not required if ~~the~~ child support ~~recovery~~
8 unit services determines that such a review would not be in the
9 best interest of the child and neither parent has requested
10 such review.

11 **b.** The department shall adopt rules setting forth the
12 process for review of requests for modification of support
13 obligations and the criteria and process for taking action to
14 initiate modification proceedings.

15 **9. a.** Assistance, in consultation with the department
16 of administrative services, in identifying and taking action
17 against self-employed individuals as identified by the
18 following conditions:

19 (1) The individual owes support pursuant to a court or
20 administrative order being enforced by ~~the unit~~ child support
21 services and is delinquent in an amount equal to or greater
22 than the support obligation amount assessed for one month.

23 (2) The individual has filed a state income tax return in
24 the preceding twelve months.

25 (3) The individual has no reported tax withholding amount on
26 the most recent state income tax return.

27 (4) The individual has failed to enter into or comply with a
28 formalized repayment plan with ~~the unit~~ child support services.

29 (5) The individual has failed to make either all current
30 support payments in accordance with the court or administrative
31 order or to make payments against any delinquency in each of
32 the preceding twelve months.

33 **b.** ~~The unit~~ Child support services may forward information
34 to the department of administrative services as necessary to
35 implement this subsection, including but not limited to both

1 of the following:

2 (1) The name and social security number of the individual.

3 (2) Support obligation information in the specific case,
4 including the amount of the delinquency.

5 10. The review and adjustment, modification, or alteration
6 of a support order pursuant to chapter 252H upon adoption of
7 rules pursuant to chapter 17A and periodic notification, at
8 a minimum of once every three years, to parents subject to a
9 support order of their rights to these services.

10 11. ~~The unit~~ Child support services shall not establish
11 orders for spousal support. ~~The unit~~ Child support services
12 shall enforce orders for spousal support only if the spouse is
13 the custodial parent of a child for whom ~~the unit~~ child support
14 services is also enforcing a child support or medical support
15 order.

16 12. a. In compliance with federal procedures, periodically
17 certify to the secretary of the United States department of
18 health and human services, a list of the names of obligors
19 determined by ~~the unit~~ child support services to owe delinquent
20 support, under a support order as defined in section 252J.1, in
21 excess of two thousand five hundred dollars. The certification
22 of the delinquent amount owed may be based upon one or more
23 support orders being enforced by ~~the unit~~ child support
24 services if the delinquent support owed exceeds two thousand
25 five hundred dollars. The certification shall include any
26 amounts which are delinquent pursuant to the periodic payment
27 plan when a modified order has been retroactively applied.
28 The certification shall be in a format and shall include any
29 supporting documentation required by the secretary.

30 b. All of the following shall apply to an action initiated
31 by ~~the unit~~ child support services under this subsection:

32 (1) The obligor shall be sent a notice by regular mail in
33 accordance with federal law and regulations and the notice
34 shall remain in effect until support delinquencies have been
35 paid in full.

1 (2) The notice shall include all of the following:

2 (a) A statement regarding the amount of delinquent support
3 owed by the obligor.

4 (b) A statement providing information that if the
5 delinquency is in excess of two thousand five hundred dollars,
6 the United States secretary of state may apply a passport
7 sanction by revoking, restricting, limiting, or refusing to
8 issue a passport as provided in 42 U.S.C. §652(k).

9 (c) Information regarding the procedures for challenging
10 the certification by ~~the unit~~ child support services.

11 (3) (a) If the obligor chooses to challenge the
12 certification, the obligor shall notify ~~the unit~~ child support
13 services within the time period specified in the notice to the
14 obligor. The obligor shall include any relevant information
15 with the challenge.

16 (b) A challenge shall be based upon mistake of fact. For
17 the purposes of this subsection, "*mistake of fact*" means a
18 mistake in the identity of the obligor or a mistake in the
19 amount of the delinquent child support owed if the amount did
20 not exceed two thousand five hundred dollars on the date of ~~the~~
21 unit's child support services' decision on the challenge.

22 (4) Upon timely receipt of the challenge, ~~the unit~~ child
23 support services shall review the certification for a mistake
24 of fact, or refer the challenge for review to the child support
25 agency in the state chosen by the obligor as provided by
26 federal law.

27 (5) Following ~~the unit's~~ child support services' review of
28 the certification, ~~the unit~~ child support services shall send
29 a written decision to the obligor within ten days of timely
30 receipt of the challenge.

31 (a) If ~~the unit~~ child support services determines that
32 a mistake of fact exists, ~~the unit~~ child support services
33 shall send notification in accordance with federal procedures
34 withdrawing the certification for passport sanction.

35 (b) If ~~the unit~~ child support services determines that a

1 mistake of fact does not exist, the obligor may contest the
2 determination within ten days following the issuance of the
3 decision by submitting a written request for a contested case
4 proceeding pursuant to chapter 17A.

5 (6) Following issuance of a final decision under chapter
6 17A that no mistake of fact exists, the obligor may request a
7 hearing before the district court pursuant to chapter 17A. The
8 department shall transmit a copy of its record to the district
9 court pursuant to chapter 17A. The scope of the review by the
10 district court shall be limited to demonstration of a mistake
11 of fact. Issues related to visitation, custody, or other
12 provisions not related to the support provisions of a support
13 order are not grounds for a hearing under this subsection.

14 c. Following certification to the secretary, if ~~the~~
15 ~~unit~~ child support services determines that an obligor no
16 longer owes delinquent support in excess of two thousand five
17 hundred dollars, ~~the unit~~ child support services shall provide
18 information and notice as the secretary requires to withdraw
19 the certification for passport sanction.

20 13. a. Impose an annual fee, which shall be retained from
21 support collected on behalf of the obligee, in accordance with
22 42 U.S.C. §654(6)(B)(ii). ~~The unit~~ Child support services
23 shall send information regarding the requirements of this
24 subsection by regular mail to the last known address of an
25 affected obligee, or may include the information for an obligee
26 in an application for services signed by the obligee. In
27 addition, ~~the unit~~ child support services shall take steps
28 necessary regarding the fee to qualify for federal funds in
29 conformity with the provisions of Tit. IV-D of the federal
30 Social Security Act, including receiving and accounting for
31 fee payments, as appropriate, through the collection services
32 center created in section 252B.13A.

33 b. Fees collected pursuant to this subsection shall be
34 considered repayment receipts as defined in section 8.2, and
35 shall be used for the purposes of ~~the unit~~ child support

1 services. The director shall maintain an accurate record of
2 the fees collected and expended under this subsection.

3 c. Until such time as a methodology to secure payment of
4 the collections fee from the obligor is provided by law, an
5 obligee may act pursuant to this paragraph to recover the
6 collections fee from the obligor. If ~~the unit~~ child support
7 services retains all or a portion of the collections fee
8 imposed pursuant to paragraph "a" in a federal fiscal year,
9 there is an automatic nonsupport judgment, in an amount equal
10 to the amount retained, against the obligor payable to the
11 obligee. This paragraph shall serve as constructive notice
12 that the fee amount, once retained, is an automatic nonsupport
13 judgment against the obligor. The obligee may use any legal
14 means, including the lien created by the nonsupport judgment,
15 to collect the nonsupport judgment.

16 Sec. 848. Section 252B.6, unnumbered paragraph 1, Code
17 2023, is amended to read as follows:

18 In addition to the services enumerated in section 252B.5,
19 ~~the unit~~ child support services may provide the following
20 services in the case of a dependent child for whom public
21 assistance is being provided:

22 Sec. 849. Section 252B.6, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. Appear on behalf of the state for the purpose of
25 facilitating the modification of support awards consistent
26 with guidelines established pursuant to section 598.21B,
27 and Tit. IV-D of the federal Social Security Act. ~~The unit~~
28 Child support services shall not otherwise participate in the
29 proceeding.

30 Sec. 850. Section 252B.6A, Code 2023, is amended to read as
31 follows:

32 **252B.6A External services.**

33 1. Provided that the action is consistent with applicable
34 federal law and regulation, an attorney licensed in this state
35 shall receive compensation as provided in this section for

1 support collected as the direct result of a judicial proceeding
2 maintained by the attorney, if all of the following apply to
3 the case:

4 ~~a. The unit~~ Child support services is providing services
5 under this chapter.

6 ~~b. The current support obligation is terminated and only~~
7 arrearages are due under an administrative or court order and
8 there has been no payment under the order for at least the
9 twelve-month period prior to the provision of notice to ~~the~~
10 ~~unit~~ child support services by the attorney under this section.

11 ~~c. Support is assigned to the state based upon cash~~
12 assistance paid under chapter 239B, or its successor.

13 ~~d. The attorney has provided written notice to the central~~
14 ~~office of the unit~~ child support services and to the obligee at
15 the last known address of the obligee of the intent to initiate
16 a specified judicial proceeding, at least thirty days prior to
17 initiating the proceeding.

18 ~~e. The attorney has provided documentation to the unit~~ child
19 support services that the attorney is insured against loss
20 caused by the attorney's legal malpractice or acts or omissions
21 of the attorney which result in loss to the state or other
22 person.

23 ~~f. The collection is received by the collection services~~
24 center within ninety days of provision of the notice to
25 ~~the unit~~ child support services. An attorney may provide
26 subsequent notices to ~~the unit~~ child support services to extend
27 the time for receipt of the collection by subsequent ninety-day
28 periods.

29 2. ~~a. If, prior to February 15, 1998, notice is provided~~
30 pursuant to subsection 1 to initiate a specific judicial
31 proceeding, this section shall not apply to the proceeding
32 unless ~~the unit~~ child support services consents to the
33 proceeding.

34 ~~b. (1) If, on or after February 15, 1998, notice is~~
35 provided pursuant to subsection 1 to initiate a specific

1 judicial proceeding, this section shall apply to the proceeding
2 only if the case is exempt from application of rules adopted
3 by the department pursuant to subparagraph (2) which limit
4 application of this section.

5 (2) The department shall adopt rules which include, but
6 are not limited to, exemption from application of this section
7 to proceedings based upon, but not limited to, any of the
8 following:

9 (a) A finding of good cause pursuant to section 252B.3.

10 (b) The existence of a support obligation due another state
11 based upon public assistance provided by that state.

12 (c) The maintaining of another proceeding by an attorney
13 under this section for which ~~the unit~~ child support services
14 has not received notice that the proceeding has concluded or
15 the ninety-day period during which a collection may be received
16 pertaining to the same case has not yet expired.

17 (d) The initiation of a seek employment action under section
18 252B.21, and the notice from the attorney indicates that the
19 attorney intends to pursue a contempt action.

20 (e) Any other basis for exemption of a specified proceeding
21 designated by rule which relates to collection and enforcement
22 actions provided by ~~the unit~~ child support services.

23 3. ~~The unit~~ Child support services shall issue a response
24 to the attorney providing notice within ten days of receipt of
25 the notice. The response shall advise the attorney whether the
26 case to which the specified judicial proceeding applies meets
27 the requirements of this section.

28 4. For the purposes of this section, a "*judicial proceeding*"
29 means an action to enforce support filed with a court of
30 competent jurisdiction in which the court issues an order which
31 identifies the amount of the support collection which is a
32 direct result of the court proceeding. "*Judicial proceedings*"
33 include but are not limited to those pursuant to chapters
34 598, 626, 633, 642, 654, or 684 and also include contempt
35 proceedings if the collection payment is identified in the

1 court order as the result of such a proceeding. "*Judicial*
2 *proceedings*" do not include enforcement actions which ~~the unit~~
3 child support services is required to implement under federal
4 law including, but not limited to, income withholding.

5 5. All of the following are applicable to a collection
6 which is the result of a judicial proceeding which meets the
7 requirements of this section:

8 a. All payments made as the result of a judicial proceeding
9 under this section shall be made to the clerk of the district
10 court or to the collection services center and shall not be
11 made to the attorney. Payments received by the clerk of the
12 district court shall be forwarded to the collection services
13 center as provided in section 252B.15.

14 b. The attorney shall be entitled to receive an amount
15 which is equal to twenty-five percent of the support collected
16 as the result of the specified judicial proceeding not to
17 exceed the amount of the nonfederal share of assigned support
18 collected as the result of that proceeding. The amount paid
19 under this paragraph is the full amount of compensation due the
20 attorney for a proceeding under this section and is in lieu
21 of any attorney fees. The court shall not order the obligor
22 to pay additional attorney fees. The amount of compensation
23 calculated by ~~the unit~~ child support services is subject, upon
24 application of the attorney, to judicial review.

25 c. Any support collected shall be disbursed in accordance
26 with federal requirements and any support due the obligee
27 shall be disbursed to the obligee prior to disbursement to the
28 attorney as compensation.

29 d. The collection services center shall disburse
30 compensation due the attorney only from the nonfederal share of
31 assigned collections. The collection services center shall not
32 disburse any compensation for court costs.

33 e. ~~The unit~~ Child support services may delay disbursement
34 to the attorney pending the resolution of any timely appeal by
35 the obligor or obligee.

1 *f.* Negotiation of a partial payment or settlement for
2 support shall not be made without the approval of ~~the unit~~
3 child support services and the obligee, as applicable.

4 6. The attorney initiating a judicial proceeding under this
5 section shall notify ~~the unit~~ child support services when the
6 judicial proceeding is completed.

7 7. *a.* An attorney who initiates a judicial proceeding under
8 this section represents the state for the sole and limited
9 purpose of collecting support to the extent provided in this
10 section.

11 *b.* The attorney is not an employee of the state and has no
12 right to any benefit or compensation other than as specified in
13 this section.

14 *c.* The state is not liable or subject to suit for any acts
15 or omissions resulting in any damages as a consequence of the
16 attorney's acts or omissions under this section.

17 *d.* The attorney shall hold the state harmless from any act
18 or omissions of the attorney which may result in any penalties
19 or sanctions, including those imposed under federal bankruptcy
20 laws, and the state may recover any penalty or sanction imposed
21 by offsetting any compensation due the attorney under this
22 section for collections received as a result of any judicial
23 proceeding initiated under this section.

24 *e.* The attorney initiating a proceeding under this section
25 does not represent the obligor.

26 8. ~~The unit~~ Child support services shall comply with all
27 state and federal laws regarding confidentiality. ~~The unit~~
28 Child support services may release to an attorney who has
29 provided notice under this section, information regarding child
30 support balances due, to the extent provided under such laws.

31 9. This section shall not be interpreted to prohibit
32 ~~the unit~~ child support services from providing services or
33 taking other actions to enforce support as provided under this
34 chapter.

35 Sec. 851. Section 252B.7, Code 2023, is amended to read as

1 follows:

2 **252B.7 Legal services.**

3 1. The attorney general may perform the legal services for
4 ~~the child support recovery program~~ services and may enforce
5 all laws for the recovery of child support from responsible
6 relatives. The attorney general may file and prosecute:

7 a. Contempt of court proceedings to enforce any order of
8 court pertaining to child support.

9 b. Cases under chapter 252A, the support of dependents law.

10 c. An information charging a violation of section 726.3,
11 726.5 or 726.6.

12 d. Any other lawful action which will secure collection of
13 support for minor children.

14 2. For the purposes of subsection 1, the attorney general
15 has the same power to commence, file and prosecute any action
16 or information in the proper jurisdiction, which the county
17 attorney could file or prosecute in that jurisdiction. This
18 section does not relieve a county attorney from the county
19 attorney's duties, or the attorney general from the supervisory
20 power of the attorney general, in the recovery of child
21 support.

22 3. ~~The unit~~ Child support services may contract with
23 a county attorney, the attorney general, a clerk of the
24 district court, or another person or agency to collect support
25 obligations and to administer the child support ~~program~~
26 ~~established~~ services required pursuant to this chapter.
27 Notwithstanding section 13.7, ~~the unit~~ child support services
28 may contract with private attorneys for the prosecution of
29 civil collection and recovery cases and may pay reasonable
30 compensation and expenses to private attorneys for the
31 prosecution services provided.

32 4. An attorney employed by or under contract with ~~the child~~
33 support ~~recovery unit~~ services represents and acts exclusively
34 on behalf of the state when providing child support enforcement
35 services. An attorney-client relationship does not exist

1 between the attorney and an individual party, witness, or
2 person other than the state, regardless of the name in which
3 the action is brought.

4 Sec. 852. Section 252B.7A, Code 2023, is amended to read as
5 follows:

6 **252B.7A Determining parent's income.**

7 1. ~~The unit~~ Child support services shall use any of the
8 following in determining the amount of the net monthly income
9 of a parent for purposes of establishing or modifying a support
10 obligation:

11 a. Income as identified in a signed statement of the
12 parent pursuant to section 252B.9, subsection 1, paragraph
13 "b". If evidence suggests that the statement is incomplete
14 or inaccurate, ~~the unit~~ child support services may present
15 the evidence to the court in a judicial proceeding or to the
16 ~~administrator~~ director in a proceeding under chapter 252C or
17 a comparable chapter, and the court or ~~administrator~~ director
18 shall weigh the evidence in setting the support obligation.
19 Evidence includes but is not limited to income as established
20 under paragraph "c".

21 b. If a sworn statement is not provided by the parent, ~~the~~
22 ~~unit~~ child support services may determine income as established
23 under paragraph "c" or "d".

24 c. Income established by any of the following:

25 (1) Income verified by an employer or payor of income.

26 (2) Income reported to the department of workforce
27 development.

28 (3) For a public assistance recipient, income as reported to
29 the department case worker assigned to the public assistance
30 case.

31 (4) Other written documentation which identifies income.

32 d. By July 1, 1999, the department shall adopt rules for
33 imputing income, whenever possible, based on the earning
34 capacity of a parent who does not provide income information
35 or for whom income information is not available. Until such

1 time as the department adopts rules establishing a different
 2 standard for determining the income of a parent who does not
 3 provide income information or for whom income information
 4 is not available, the estimated state median income for a
 5 one-person family as published annually in the federal register
 6 for use by the federal office of community services, office of
 7 energy assistance, for the subsequent federal fiscal year.

8 (1) This provision is effective beginning July 1, 1992,
 9 based upon the information published in the federal register
 10 dated March 8, 1991.

11 (2) ~~The unit~~ Child support services may revise the estimated
 12 income each October 1. If the estimate is not available or has
 13 not been published, ~~the unit~~ child support services may revise
 14 the estimate when it becomes available.

15 e. When the income information obtained pursuant to this
 16 subsection does not include the information necessary to
 17 determine the net monthly income of the parent, ~~the unit~~ child
 18 support services may deduct twenty percent from the parent's
 19 gross monthly income to arrive at the net monthly income
 20 figure.

21 2. The amount of the income determined may be challenged any
 22 time prior to the entry of a new or modified order for support.

23 3. If ~~the child support recovery unit~~ services is providing
 24 services pursuant to this chapter, the court shall use the
 25 income figure determined pursuant to this section when applying
 26 the guidelines to determine the amount of support.

27 4. The department may develop rules as necessary to further
 28 implement disclosure of financial information of the parties.

29 Sec. 853. Section 252B.7B, Code 2023, is amended to read as
 30 follows:

31 **252B.7B Informational materials provided by ~~the unit~~ child**
 32 **support services.**

33 1. ~~The unit~~ Child support services shall prepare and make
 34 available to the public, informational materials which explain
 35 ~~the unit's~~ child support services' procedures including, but

1 not limited to, procedures with regard to all of the following:

- 2 *a.* Accepting applications for services.
- 3 *b.* Locating individuals.
- 4 *c.* Establishing paternity.
- 5 *d.* Establishing support.
- 6 *e.* Enforcing support.
- 7 *f.* Modifying, suspending, or reinstating support.
- 8 *g.* Terminating services.

9 2. The informational materials shall include general
10 information about and descriptions of the processes involved
11 relating to the services provided by ~~the unit~~ child support
12 services including application for services, fees for services,
13 the responsibilities of the recipient of services, resolution
14 of disagreements with ~~the unit~~ child support services, rights
15 to challenge the actions of ~~the unit~~ child support services,
16 and obtaining additional information.

17 Sec. 854. Section 252B.8, Code 2023, is amended to read as
18 follows:

19 **252B.8 Central information center.**

20 The department shall establish within ~~the unit~~ child support
21 services an information and administration coordinating center
22 which shall serve as a registry for the receipt of information
23 and for answering interstate inquiries concerning absent
24 parents and shall coordinate and supervise ~~unit~~ child support
25 services' activities. The information and administration
26 coordinating center shall promote cooperation between ~~the~~
27 ~~unit~~ child support services and law enforcement agencies to
28 facilitate the effective operation of ~~the unit~~ child support
29 services.

30 Sec. 855. Section 252B.9, Code 2023, is amended to read as
31 follows:

32 **252B.9 Information and assistance from others — availability**
33 **of records.**

34 1. *a.* The director may request from state, county, and
35 local agencies information and assistance deemed necessary to

1 carry out the provisions of this chapter. State, county, and
2 local agencies, officers, and employees shall cooperate with
3 ~~the unit~~ child support services and shall on request supply the
4 department with available information relative to the absent
5 parent, the custodial parent, and any other necessary party,
6 notwithstanding any provisions of law making this information
7 confidential. The cooperation and information required by this
8 subsection shall also be provided when it is requested by a
9 child support agency. Information required by this subsection
10 includes, but is not limited to, information relative to
11 location, income, property holdings, records of licenses as
12 defined in section 252J.1, and records concerning the ownership
13 and control of corporations, partnerships, and other business
14 entities. If the information is maintained in an automated
15 database, ~~the unit~~ child support services shall be provided
16 automated access.

17 *b.* Parents of a child on whose behalf support enforcement
18 services are provided shall provide information regarding
19 income, resources, financial circumstances, and property
20 holdings to the department for the purpose of establishment,
21 modification, or enforcement of a support obligation. The
22 department may provide the information to parents of a child
23 as needed to implement the requirements of section 598.21B,
24 notwithstanding any provisions of law making this information
25 confidential.

26 *c.* Notwithstanding any provisions of law making this
27 information confidential, all persons, including for-profit,
28 nonprofit, and governmental employers, shall, on request,
29 promptly supply ~~the unit~~ child support services or a child
30 support agency information on the employment, compensation,
31 and benefits of any individual employed by such person as
32 an employee or contractor with relation to whom ~~the unit~~
33 child support services or a child support agency is providing
34 services.

35 *d.* Notwithstanding any provisions of law making this

1 information confidential, ~~the unit~~ child support services may
2 subpoena or a child support agency may use the administrative
3 subpoena form promulgated by the secretary of the United
4 States department of health and human services under 42 U.S.C.
5 §652(a)(11)(C), to obtain any of the following:

6 (1) Books, papers, records, or information regarding any
7 financial or other information relating to a paternity or
8 support proceeding.

9 (2) Certain records held by public utilities, cable or
10 other television companies, cellular telephone companies, and
11 internet service providers with respect to individuals who
12 owe or are owed support, or against or with respect to whom
13 a support obligation is sought, consisting of the names and
14 addresses of such individuals and the names and addresses of
15 the employers of such individuals, as appearing in customer
16 records, and including the cellular telephone numbers of such
17 individuals appearing in the customer records of cellular
18 telephone companies. If the records are maintained in
19 automated databases, ~~the unit~~ child support services shall be
20 provided with automated access.

21 e. ~~The unit~~ Child support services or a child support agency
22 may subpoena information for one or more individuals.

23 f. If ~~the unit~~ child support services or a child support
24 agency issues a request under paragraph "c", or a subpoena under
25 paragraph "d", all of the following shall apply:

26 (1) ~~The unit~~ Child support services or a child support
27 agency may issue a request or subpoena to a person by sending
28 it by regular mail. Proof of service may be completed
29 according to rule of civil procedure 1.442.

30 (2) A person who is not a parent or putative father in a
31 paternity or support proceeding, who is issued a request or
32 subpoena, shall be provided an opportunity to refuse to comply
33 for good cause by filing a request for a conference with ~~the~~
34 unit child support services or a child support agency in the
35 manner and within the time specified in rules adopted pursuant

1 to subparagraph (7).

2 (3) Good cause shall be limited to mistake in the identity
3 of the person, or prohibition under federal law to release such
4 information.

5 (4) After the conference ~~the unit~~ child support services
6 shall issue a notice finding that the person has good cause
7 for refusing to comply, or a notice finding that the person
8 does not have good cause for failing to comply. If the person
9 refuses to comply after issuance of notice finding lack of good
10 cause, or refuses to comply and does not request a conference,
11 the person is subject to a penalty of one hundred dollars per
12 refusal.

13 (5) If the person fails to comply with the request or
14 subpoena, fails to request a conference, and fails to pay a
15 penalty imposed under subparagraph (4), ~~the unit~~ child support
16 services may petition the district court to compel the person
17 to comply with this paragraph. If the person objects to
18 imposition of the penalty, the person may seek judicial review
19 by the district court.

20 (6) If a parent or putative father fails to comply with a
21 subpoena or request for information, the provisions of chapter
22 252J shall apply.

23 (7) ~~The unit~~ Child support services may adopt rules pursuant
24 to chapter 17A to implement this section.

25 g. Notwithstanding any provisions of law making this
26 information confidential, ~~the unit~~ child support services
27 or a child support agency shall have access to records and
28 information held by financial institutions with respect to
29 individuals who owe or are owed support, or with respect to
30 whom a support obligation is sought including information on
31 assets and liabilities. If the records are maintained in
32 automated databases, ~~the unit~~ child support services shall
33 be provided with automated access. For the purposes of this
34 section, "*financial institution*" means financial institution as
35 defined in section 252I.1.

1 *h.* Notwithstanding any law to the contrary, ~~the unit~~
2 child support services and a child support agency shall have
3 access to any data maintained by the state of Iowa which
4 contains information that would aid the agency in locating
5 individuals. Such information shall include, but is not
6 limited to, driver's license, motor vehicle, and criminal
7 justice information. However, the information does not include
8 criminal investigative reports or intelligence files maintained
9 by law enforcement. ~~The unit~~ Child support services and a
10 child support agency shall use or disclose the information
11 obtained pursuant to this paragraph only in accordance with
12 subsection 3. Criminal history records maintained by the
13 department of public safety shall be disclosed in accordance
14 with chapter 692. ~~The unit~~ Child support services shall also
15 have access to the protective order file maintained by the
16 department of public safety.

17 *i.* Liability shall not arise under this subsection with
18 respect to any disclosure by a person as required by this
19 subsection, and no advance notice from ~~the unit~~ child support
20 services or a child support agency is required prior to
21 requesting information or assistance or issuing a subpoena
22 under this subsection.

23 *j.* Notwithstanding any provision of law making this
24 information confidential, data provided to the department by an
25 insurance carrier under section 505.25 shall also be provided
26 to ~~the unit~~ child support services. Provision of data to ~~the~~
27 ~~unit~~ child support services under this paragraph shall not
28 require an agreement or modification of an agreement between
29 the department and an insurance carrier, but the provisions
30 of this section applicable to information received by ~~the~~
31 ~~unit~~ child support services shall apply to the data received
32 pursuant to section 505.25 in lieu of any confidentiality,
33 privacy, disclosure, use, or other provisions of an agreement
34 between the department and an insurance carrier.

35 2. Notwithstanding other statutory provisions to the

1 contrary, including but not limited to chapters 22 and 217, as
 2 the chapters relate to confidentiality of records maintained by
 3 the department, the payment records of the collection services
 4 center maintained under section 252B.13A may be released,
 5 except when prohibited by federal law or regulation, only as
 6 follows:

7 a. Payment records of the collection services center may
 8 be released upon request for the administration of a plan or
 9 program approved for the supplemental nutrition assistance
 10 program or under Tit. IV, XIX, or XXI of the federal Social
 11 Security Act, as amended, and as otherwise permitted under Tit.
 12 IV-D of the federal Social Security Act, as amended. A payment
 13 record shall not include address or location information.

14 b. The department may release details related to payment
 15 records or provide alternative formats for release of the
 16 information for the administration of a plan or program under
 17 Tit. IV-D of the federal Social Security Act, as amended,
 18 including as follows:

19 (1) ~~The unit~~ Child support services or the collection
 20 services center may provide detail or present the information
 21 in an alternative format to an individual or to the
 22 individual's legal representative if the individual owes or is
 23 owed a support obligation, to an agency assigned the obligation
 24 as the result of receipt by a party of public assistance, to an
 25 agency charged with enforcing child support pursuant to Tit.
 26 IV-D of the federal Social Security Act, as amended, or to the
 27 court.

28 (2) For support orders entered in Iowa which are being
 29 enforced by ~~the unit~~ child support services, ~~the unit~~ child
 30 support services may compile and make available for publication
 31 a listing of cases in which no payment has been credited to
 32 an accrued or accruing support obligation during a previous
 33 three-month period. Each case on the list shall be identified
 34 only by the name of the support obligor, the address, if known,
 35 of the support obligor, unless the information pertaining

1 to the address of the support obligor is protected through
2 confidentiality requirements established by law and has not
3 otherwise been verified with ~~the unit~~ child support services,
4 the support obligor's court order docket or case number, the
5 county in which the obligor's support order is filed, the
6 collection services center case numbers, and the range within
7 which the balance of the support obligor's delinquency is
8 established. The department shall determine dates for the
9 release of information, the specific format of the information
10 released, and the three-month period used as a basis for
11 identifying cases. The department may not release the
12 information more than twice annually. In compiling the listing
13 of cases, no prior public notice to the obligor is required,
14 but ~~the unit~~ child support services may send notice annually
15 by mail to the current known address of any individual owing a
16 support obligation which is being enforced by ~~the unit~~ child
17 support services. The notice shall inform the individual of
18 the provisions of this subparagraph. Actions taken pursuant to
19 this subparagraph are not subject to review under chapter 17A,
20 and the lack of receipt of a notice does not prevent ~~the unit~~
21 child support services from proceeding in implementing this
22 subparagraph.

23 (3) The provisions of subparagraph (2) may be applied to
24 support obligations entered in another state, at the request
25 of a child support agency if the child support agency has
26 demonstrated that the provisions of subparagraph (2) are not
27 in conflict with the laws of the state where the support
28 obligation is entered and ~~the unit~~ child support services is
29 enforcing the support obligation.

30 (4) Records relating to the administration, collection, and
31 enforcement of surcharges pursuant to section 252B.23 which are
32 recorded by ~~the unit~~ child support services or a collection
33 entity shall be confidential records except that information,
34 as necessary for support collection and enforcement, may be
35 provided to other governmental agencies, the obligor or the

1 resident parent, or a collection entity under contract with
2 ~~the unit~~ child support services unless otherwise prohibited
3 by the federal law. A collection entity under contract with
4 ~~the unit~~ child support services shall use information obtained
5 for the sole purpose of fulfilling the duties required under
6 the contract, and shall disclose any records obtained by the
7 collection entity to ~~the unit~~ child support services for use in
8 support establishment and enforcement.

9 3. Notwithstanding other statutory provisions to the
10 contrary, including but not limited to chapters 22 and 217,
11 as the chapters relate to the confidentiality of records
12 maintained by the department, information recorded by the
13 department pursuant to this section or obtained by ~~the unit~~
14 child support services is confidential and, except when
15 prohibited by federal law or regulation, may be used or
16 disclosed as provided in subsection 1, paragraphs "b" and "h",
17 and subsection 2, and as follows:

18 a. The attorney general may utilize the information
19 to secure, modify, or enforce a support obligation of an
20 individual.

21 b. This subsection shall not permit or require the release
22 of information, except to the extent provided in this section.

23 c. ~~The unit~~ Child support services may release or disclose
24 information as necessary to provide services under section
25 252B.5, as provided by chapter 252G, as provided by Tit. IV-D
26 of the federal Social Security Act, as amended, or as required
27 by federal law.

28 d. ~~The unit~~ Child support services may release information
29 under section 252B.9A to meet the requirements of Tit. IV-D of
30 the federal Social Security Act for parent locator services.

31 e. Information may be released if directly connected with
32 any of the following:

33 (1) The administration of a plan or program approved for
34 the supplemental nutrition assistance program or under Tit. IV,
35 XIX, or XXI of the federal Social Security Act, as amended.

1 (2) Any investigations, prosecutions, or criminal or civil
2 proceeding conducted in connection with the administration of
3 any such plan or program.

4 (3) Reporting to an appropriate agency or official of
5 any such plan or program, information on known or suspected
6 instances of physical or mental injury, sexual abuse or
7 exploitation, or negligent treatment or maltreatment of a child
8 who is the subject of a child support enforcement action under
9 circumstances which indicate that the child's health or welfare
10 is threatened.

11 *f.* Information may be released to courts having jurisdiction
12 in support proceedings. If a court issues an order, which is
13 not entered under section 252B.9A, directing ~~the unit~~ child
14 support services to disclose confidential information, ~~the unit~~
15 child support services may file a motion to quash pursuant to
16 this chapter, Tit. IV-D of the federal Social Security Act, or
17 other applicable law.

18 *g.* ~~The child~~ Child support ~~recovery unit~~ services may
19 release information for the administration of a plan or program
20 approved for the supplemental nutrition assistance program or
21 under Tit. IV, XIX, or XXI of the federal Social Security Act,
22 as amended, specified under subsection 2 or this subsection, to
23 the extent the release of information does not interfere with
24 ~~the unit~~ child support services meeting its own obligations
25 under Tit. IV-D of the federal Social Security Act, as amended,
26 and subject to requirements prescribed by the federal office
27 of child support enforcement of the United States department
28 of health and human services.

29 *h.* For purposes of this subsection, "party" means an absent
30 parent, obligor, resident parent, or other necessary party.

31 *i.* If ~~the unit~~ child support services receives notification
32 under this paragraph, ~~the unit~~ child support services shall
33 notify the federal parent locator service as required by
34 federal law that there is reasonable evidence of domestic
35 violence or child abuse against a party or a child and that the

1 disclosure of information could be harmful to the party or the
2 child. The notification to the federal parent locator service
3 shall be known as notification of a disclosure risk indicator.
4 For purposes of this paragraph, ~~the unit~~ child support services
5 shall notify the federal parent locator service of a disclosure
6 risk indicator only if at least one of the following applies:

7 (1) ~~The unit~~ Child support services receives notification
8 that the department, or comparable agency of another state, has
9 made a finding of good cause or other exception as provided in
10 section 252B.3, or comparable law of another state.

11 (2) ~~The unit~~ Child support services receives and, through
12 automation, matches notification from the department of public
13 safety or ~~the unit~~ child support services receives notification
14 from a court of this or another state, that a court has issued
15 a protective order or no-contact order against a party with
16 respect to another party or child.

17 (3) ~~The unit~~ Child support services receives notification
18 that a court has dismissed a petition for specified
19 confidential information pursuant to section 252B.9A.

20 (4) ~~The unit~~ Child support services receives a copy, regular
21 on its face, of a notarized affidavit or a pleading, which was
22 signed by and made under oath by a party, under chapter 252K,
23 the uniform interstate family support Act, or the comparable
24 law of another state, alleging the health, safety, or liberty
25 of the party or child would be jeopardized by the disclosure
26 of specific identifying information unless a tribunal under
27 chapter 252K, the uniform interstate family support Act, or
28 the comparable law of another state, ordered the identifying
29 information of a party or child be disclosed.

30 (5) ~~The unit~~ Child support services receives and, through
31 automation, matches notification from ~~the division of child and~~
32 ~~family services~~ of the department, or ~~the unit~~ child support
33 services receives notification from a comparable agency of
34 another state, of a founded allegation of child abuse, or a
35 comparable finding under the law of the other state.

1 (6) ~~The unit~~ Child support services receives notification
2 that an individual has an exemption from cooperation with child
3 support enforcement under a family investment program safety
4 plan which addresses family or domestic violence.

5 (7) ~~The unit~~ Child support services receives notification
6 that an individual is a certified program participant as
7 provided in chapter 9E.

8 (8) ~~The unit~~ Child support services receives notification,
9 as the result of a request under section 252B.9A, of the
10 existence of any finding, order, affidavit, pleading, safety
11 plan, certification, or founded allegation referred to in
12 subparagraphs (1) through (7) of this paragraph.

13 j. ~~The unit~~ Child support services may provide information
14 regarding delinquent obligors as provided in 42 U.S.C.
15 §666(a)(7) to a consumer reporting agency if all the following
16 apply:

17 (1) The agency provides ~~the unit~~ child support services with
18 satisfactory evidence that it is a consumer reporting agency
19 as defined in 15 U.S.C. §1681a(f) and meets all the following
20 requirements:

21 (a) Compiles and maintains files on consumers on a
22 nationwide basis as provided in 15 U.S.C. §1681a(p).

23 (b) Participates jointly with other nationwide consumer
24 reporting agencies in providing annual free credit reports to
25 consumers upon request through a centralized source as required
26 by the federal trade commission in 16 C.F.R. §610.2.

27 (2) The agency has entered into an agreement with ~~the~~
28 unit child support services regarding receipt and use of the
29 information.

30 4. Nothing in this chapter, chapter 252A, 252C, 252D,
31 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other
32 comparable chapter or law shall preclude ~~the unit~~ child support
33 services from exchanging any information, notice, document, or
34 certification with any government or private entity, if the
35 exchange is not otherwise prohibited by law, through mutually

1 agreed upon electronic data transfer rather than through other
2 means.

3 Sec. 856. Section 252B.9A, Code 2023, is amended to read as
4 follows:

5 **252B.9A Disclosure of confidential information — authorized**
6 **person — court.**

7 1. A person, except a court or government agency, who
8 is an authorized person to receive specified confidential
9 information under 42 U.S.C. §653, may submit a written request
10 to ~~the unit~~ child support services for disclosure of specified
11 confidential information regarding a nonrequesting party. The
12 written request shall comply with federal law and regulations,
13 including any attestation and any payment to the federal office
14 of child support enforcement of the United States department
15 of health and human services required by federal law or
16 regulation, and shall include a sworn statement attesting to
17 the reason why the requester is an authorized person under
18 42 U.S.C. §653, including that the requester would use the
19 confidential information only for purposes permitted in that
20 section.

21 2. Upon receipt of a request from an authorized person
22 which meets all of the requirements under subsection 1, ~~the~~
23 ~~unit~~ child support services shall search available records as
24 permitted by law or shall request the information from the
25 federal parent locator service as provided in 42 U.S.C. §653.

26 a. If ~~the unit~~ child support services locates the specified
27 confidential information, ~~the unit~~ child support services shall
28 disclose the information to the extent permitted under federal
29 law, unless one of the following applies:

30 (1) There is a notice from the federal parent locator
31 service that there is reasonable evidence of domestic violence
32 or child abuse pursuant to 42 U.S.C. §653(b)(2).

33 (2) ~~The unit~~ Child support services has notified the federal
34 parent locator service of a disclosure risk indicator as
35 provided in section 252B.9, subsection 3, paragraph "i", and has

1 not removed that notification.

2 (3) ~~The unit~~ Child support services receives notice of a
3 basis for a disclosure risk indicator listed in section 252B.9,
4 subsection 3, paragraph "i", within twenty days of sending a
5 notice of the request to the subject of the request by regular
6 mail.

7 b. If ~~the unit~~ child support services locates the specified
8 confidential information, but ~~the unit~~ child support services
9 is prohibited from disclosing confidential information under
10 paragraph "a", ~~the unit~~ child support services shall deny the
11 request and notify the requester of the denial in writing.
12 Upon receipt of a written notice from ~~the unit~~ child support
13 services denying the request, the requester may file a petition
14 in district court for an order directing ~~the unit~~ child support
15 services to release the requested information to the court as
16 provided in subsection 3.

17 3. A person may file a petition in district court for
18 disclosure of specified confidential information. The petition
19 shall request that the court direct ~~the unit~~ child support
20 services to release specified confidential information to
21 the court, that the court make a determination of harm if
22 appropriate, and that the court release specified confidential
23 information to the petitioner.

24 a. The petition shall include a sworn statement attesting
25 to the intended use of the information by the petitioner as
26 allowed by federal law. Such statement may specify any of the
27 following intended uses:

28 (1) To establish parentage, or to establish, set the amount
29 of, modify, or enforce a child support obligation.

30 (2) To make or enforce a child custody or visitation
31 determination or order.

32 (3) To carry out the duty or authority of the petitioner to
33 investigate, enforce, or bring a prosecution with respect to
34 the unlawful taking or restraint of a child.

35 b. Upon the filing of a petition, the court shall enter an

1 order directing ~~the unit~~ child support services to release to
2 the court within thirty days specified confidential information
3 which ~~the unit~~ child support services would be permitted to
4 release under 42 U.S.C. §653 and 42 U.S.C. §663, unless one of
5 the following applies:

6 (1) There is a notice from the federal parent locator
7 service that there is reasonable evidence of domestic violence
8 or child abuse pursuant to 42 U.S.C. §653(b)(2).

9 (2) ~~The unit~~ Child support services has notified the federal
10 parent locator service of a disclosure risk indicator as
11 provided in section 252B.9, subsection 3, paragraph "i", and has
12 not removed that notification.

13 (3) ~~The unit~~ Child support services receives notice of a
14 basis for a disclosure risk indicator listed in section 252B.9,
15 subsection 3, paragraph "i", within twenty days of sending
16 notice of the order to the subject of the request by regular
17 mail. ~~The unit~~ Child support services shall include in the
18 notice to the subject of the request a copy of the court order
19 issued under this paragraph.

20 c. Upon receipt of the order, ~~the unit~~ child support
21 services shall comply as follows:

22 (1) If ~~the unit~~ child support services has the specified
23 confidential information, and none of the domestic violence,
24 child abuse, or disclosure risk indicator provisions of
25 paragraph "b" applies, ~~the unit~~ child support services shall
26 file the confidential information with the court along with
27 a statement that ~~the unit~~ child support services has not
28 received any notice that the domestic violence, child abuse, or
29 disclosure risk indicator provisions of paragraph "b" apply.
30 ~~The unit~~ Child support services shall be granted at least
31 thirty days to respond to the order. The court may extend
32 the time for ~~the unit~~ child support services to comply. Upon
33 receipt by the court of the confidential information under
34 this subparagraph, the court may order the release of the
35 information to the petitioner.

1 (2) If ~~the unit~~ child support services has the specified
2 confidential information, and the domestic violence, child
3 abuse, or disclosure risk indicator provision of paragraph "b"
4 applies, ~~the unit~~ child support services shall file with the
5 court a statement that the domestic violence, child abuse,
6 or disclosure risk indicator provision of paragraph "b"
7 applies, along with any information ~~the unit~~ child support
8 services has received related to the domestic violence, child
9 abuse, or disclosure risk indicator. ~~The unit~~ Child support
10 services shall be granted at least thirty days to respond to
11 the order. The court may extend the time for ~~the unit~~ child
12 support services to comply. Upon receipt by the court of
13 information from ~~the unit~~ child support services under this
14 subparagraph, the court shall make a finding whether disclosure
15 of confidential information to any other person could be
16 harmful to the nonrequesting party or child. In making the
17 finding, the court shall consider any relevant information
18 provided by the parent or child, any information provided by
19 ~~the unit~~ child support services or by a child support agency,
20 any information provided by the petitioner, and any other
21 relevant evidence. ~~The unit~~ Child support services or ~~unit's~~
22 a child support services' attorney does not represent any
23 individual person in this proceeding.

24 (a) If the court finds that disclosure of confidential
25 information to any other person could be harmful to the
26 nonrequesting party or child, the court shall dismiss the
27 petition for disclosure and notify ~~the unit~~ child support
28 services to notify the federal parent locator service of a
29 disclosure risk indicator.

30 (b) If the court does not find that disclosure of specified
31 confidential information to any other person could be harmful
32 to the nonrequesting party or child, the court shall notify ~~the~~
33 unit child support services to file the specified confidential
34 information with the court. Upon receipt by the court of the
35 specified confidential information, the court may release the

1 information to the petitioner and inform ~~the unit~~ child support
2 services to remove the disclosure risk indicator.

3 (3) If ~~the unit~~ child support services does not have the
4 specified confidential information and cannot obtain the
5 information from the federal parent locator service, ~~the unit~~
6 child support services shall comply with the order by notifying
7 the court of the lack of information.

8 4. The confidential information which may be released by
9 ~~the unit~~ child support services to a party under subsection
10 2, or by ~~the unit~~ child support services to the court under
11 subsection 3, shall be limited by the federal Social Security
12 Act and other applicable federal law, and ~~the unit~~ child
13 support services may use the sworn statement filed pursuant to
14 subsection 1 or 3 in applying federal law. Any information
15 filed with the court by ~~the unit~~ child support services, when
16 certified over the signature of a designated employee, shall
17 be considered to be satisfactorily identified and shall be
18 admitted as evidence, without requiring third-party foundation
19 testimony. Additional proof of the official character of the
20 person certifying the document or the authenticity of the
21 person's signature shall not be required.

22 5. When making a request for confidential information under
23 this section, a party or petitioner shall indicate the specific
24 information requested.

25 6. For purposes of this section, "*party*" means party as
26 defined in section 252B.9, subsection 3.

27 7. ~~The unit~~ Child support services may adopt rules pursuant
28 to chapter 17A to prescribe provisions in addition to or in
29 lieu of the provisions of this section to comply with federal
30 requirements for parent locator services or the safeguarding
31 of information.

32 Sec. 857. Section 252B.11, Code 2023, is amended to read as
33 follows:

34 **252B.11 Recovery of costs of collection services.**

35 ~~The unit~~ Child support services may initiate necessary civil

1 proceedings to recover ~~the unit's~~ child support services' costs
 2 of support collection services provided to an individual,
 3 whether or not the individual is a public assistance recipient,
 4 from an individual who owes and is able to pay a support
 5 obligation but willfully fails to pay the obligation. ~~The unit~~
 6 Child support services may seek a lump sum recovery of ~~the~~
 7 ~~unit's~~ child support services' costs or may seek to recover ~~the~~
 8 ~~unit's~~ child support services' costs through periodic payments
 9 which are in addition to periodic support payments. If ~~the~~
 10 ~~unit's~~ child support services' costs are recovered from an
 11 individual owing a support obligation, the costs shall not be
 12 deducted from the amount of support money received from the
 13 individual. The costs collected pursuant to this section shall
 14 be retained by the department for use by ~~the unit~~ child support
 15 services. The director or a designee shall keep an accurate
 16 record of funds so retained.

17 Sec. 858. Section 252B.13A, Code 2023, is amended to read
 18 as follows:

19 **252B.13A Collection services center.**

20 1. The department shall establish within ~~the unit~~ child
 21 support services a collection services center for the receipt
 22 and disbursement of support payments as defined in section
 23 252D.16 or 598.1 as required for orders by section 252B.14.
 24 For purposes of this section, support payments do not include
 25 attorney fees, court costs, or property settlements. The
 26 center may also receive and disburse surcharges as provided in
 27 section 252B.23.

28 2. a. The collection services center shall meet the
 29 requirements for a state disbursement unit pursuant to 42
 30 U.S.C. §654b, section 252B.14, and this section by October 1,
 31 1999.

32 b. Prior to October 1, 1999, the department and the
 33 judicial branch shall enter into a cooperative agreement for
 34 implementation of the state disbursement unit requirement. The
 35 agreement shall include, but is not limited to, provisions for

1 all of the following:

2 (1) Coordination with the state case registry created in
3 section 252B.24.

4 (2) The receipt and disbursement of income withholding
5 payments for orders not receiving services from ~~the unit~~ child
6 support services pursuant to section 252B.14, subsection 4.

7 (3) The transmission of information, orders, and documents,
8 and access to information.

9 (4) Furnishing, upon request, timely information on the
10 current status of support payments as provided in 42 U.S.C.
11 §654b(b)(4), in a manner consistent with state law.

12 (5) The notification of payors of income to direct income
13 withholding payments to the collection services center as
14 provided in section 252B.14, subsection 4.

15 Sec. 859. Section 252B.14, subsections 2 and 5, Code 2023,
16 are amended to read as follows:

17 2. For support orders being enforced by ~~the~~ child support
18 ~~recovery-unit~~ services, support payments made pursuant to the
19 order shall be directed to and disbursed by the collection
20 services center or, as appropriate, a comparable government
21 entity in another state as provided in chapter 252K.

22 5. If the collection services center is receiving and
23 disbursing payments pursuant to a support order, but ~~the unit~~
24 child support services is not providing other services under
25 Tit. IV-D of the federal Social Security Act, or if the order
26 is not being enforced by ~~the unit~~ child support services,
27 the parties to that order are not considered to be receiving
28 services under this chapter.

29 Sec. 860. Section 252B.15, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. The collection services center shall notify the clerk
32 of the district court of any order for which ~~the~~ child support
33 ~~recovery-unit~~ services is providing enforcement services. The
34 clerk of the district court shall forward any support payment
35 made pursuant to the order, along with any support payment

1 information, to the collection services center. Unless the
2 agreement developed pursuant to section 252B.13A otherwise
3 provides, the clerk of the district court shall forward any
4 support payment made and any support payment information
5 provided through income withholding pursuant to chapter 252D,
6 to the collection services center. The collection services
7 center shall process and disburse the payment in accordance
8 with federal requirements.

9 Sec. 861. Section 252B.16, Code 2023, is amended to read as
10 follows:

11 **252B.16 Transfer of support order processing responsibilities**
12 **— ongoing procedures.**

13 1. For a support order being processed by the clerk of
14 the district court, upon notification that ~~the unit~~ child
15 support services is providing enforcement services related to
16 the order, the clerk of the district court shall immediately
17 transfer the responsibility for the disbursement of support
18 payments received pursuant to the order to the collection
19 services center.

20 2. The department shall adopt rules pursuant to chapter
21 17A to ensure that the affected parties are notified that
22 the support payment disbursement responsibilities have been
23 transferred to the collection services center from the clerk
24 of the district court. The rules shall include a provision
25 requiring that a notice shall be sent by regular mail to the
26 last known addresses of the obligee and the obligor. The
27 issuance of notice to the obligor is the equivalent of a court
28 order requiring the obligor to direct payment to the collection
29 services center for disbursement.

30 3. Once the responsibility for receiving and disbursing
31 support payments has been transferred from a clerk of the
32 district court to the collection services center, the
33 responsibility shall remain with the collection services
34 center even if ~~the child support recovery unit~~ services is no
35 longer providing enforcement services, unless redirected by

1 court order. However, the responsibility for receiving and
2 disbursing income withholding payments shall not be redirected
3 to a clerk of the district court.

4 4. As provided in sections 252K.307 and 252K.319, ~~the unit~~
5 child support services may issue and file with the clerk of
6 the district court, a notice redirecting support payments to
7 a comparable government entity responsible for the processing
8 and disbursement of support payments in another state. ~~The~~
9 ~~unit~~ Child support services shall send a copy of the notice by
10 regular mail to the last known addresses of the obligor and
11 obligee and, where applicable, shall notify the payor of income
12 to make payments as specified in the notice. The issuance
13 and filing of the notice is the equivalent of a court order
14 redirecting support.

15 Sec. 862. Section 252B.17A, Code 2023, is amended to read
16 as follows:

17 **252B.17A Imaging or photographic copies — originals**
18 **destroyed.**

19 1. If ~~the unit~~ child support services, in the regular
20 course of business or activity, has recorded or received any
21 memorandum, writing, entry, print, document, representation,
22 or combination thereof, of any act, transaction, occurrence,
23 event, or communication from any source, and in the regular
24 course of business has caused any or all of the same to
25 be recorded, copied, or reproduced by any photographic,
26 photostatic, microfilm, microcard, miniature photographic,
27 electronic imaging, electronic data processing, or other
28 process which accurately reproduces or forms a durable
29 medium for accurately and legibly reproducing an unaltered
30 image or reproduction of the original, the original may be
31 destroyed. Such reproduction, when satisfactorily identified,
32 is as admissible in evidence as the original itself in any
33 judicial or administrative proceeding whether the original is
34 in existence or not and an enlargement or facsimile of such
35 reproduction is likewise admissible in evidence if the original

1 recording, copy, or reproduction is in existence and available
2 for inspection. The introduction of a reproduced record,
3 enlargement, or facsimile, does not preclude admission of the
4 original.

5 2. The electronically imaged, copied, or otherwise
6 reproduced record or document maintained or received by ~~the~~
7 unit child support services, when certified over the signature
8 of a designated employee of ~~the unit~~ child support services,
9 shall be considered to be satisfactorily identified. Certified
10 documents are deemed to have been imaged or copied or otherwise
11 reproduced accurately and unaltered in the regular course of
12 business, and such documents are admissible in any judicial or
13 administrative proceeding as evidence. Additional proof of
14 the official character of the person certifying the record or
15 authenticity of the person's signature shall not be required.
16 Whenever ~~the unit~~ child support services or an employee of ~~the~~
17 unit child support services is served with a summons, subpoena,
18 subpoena duces tecum, or order directing production of such
19 records, ~~the unit~~ child support services or the employee may
20 comply by transmitting a copy of the record certified as
21 described above to the district court.

22 Sec. 863. Section 252B.20, Code 2023, is amended to read as
23 follows:

24 **252B.20 Suspension of support — request by mutual consent.**

25 1. If ~~the unit~~ child support services is providing child
26 support enforcement services pursuant to this chapter, the
27 parents of a dependent child for whom support has been ordered
28 pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other
29 chapter, may jointly request the assistance of ~~the unit~~ child
30 support services in suspending the obligation for support if
31 all of the following conditions exist:

32 a. The parents have reconciled and are cohabiting, and
33 the child for whom support is ordered is living in the same
34 residence as the parents, or the child is currently residing
35 with the parent who is ordered to pay support. If the basis for

1 suspension under this paragraph applies to at least one but not
2 all of the children for whom support is ordered, the condition
3 of this paragraph is met only if the support order includes a
4 step change.

5 *b.* The child for whom support is ordered is not receiving
6 public assistance pursuant to chapter 239B, 249A, or a
7 comparable law of another state or foreign country, unless the
8 person against whom support is ordered is considered to be a
9 member of the same household as the child for the purposes of
10 public assistance eligibility.

11 *c.* The parents have signed a notarized affidavit attesting
12 to the conditions under paragraphs "a" and "b", have consented
13 to suspension of the support order or obligation, and have
14 submitted the affidavit to ~~the unit~~ child support services.

15 *d.* No prior request for suspension has been filed with
16 ~~the unit~~ child support services under this section and no
17 prior request for suspension has been served by ~~the unit~~ child
18 support services under section 252B.20A during the two-year
19 period preceding the request.

20 *e.* Any other criteria established by rule of the department.

21 2. Upon receipt of the application for suspension and
22 properly executed and notarized affidavit, ~~the unit~~ child
23 support services shall review the application and affidavit to
24 determine that the necessary criteria have been met. ~~The unit~~
25 Child support services shall then do one of the following:

26 *a.* Deny the request and notify the parents in writing
27 that the application is being denied, providing reasons for
28 the denial and notifying the parents of the right to proceed
29 through private counsel. Denial of the application is not
30 subject to contested case proceedings or further review
31 pursuant to chapter 17A.

32 *b.* Approve the request and prepare an order which shall be
33 submitted, along with the affidavit, to a judge of a district
34 court for approval, suspending the accruing support obligation
35 and, if requested by the obligee, and if not prohibited by

1 chapter 252K, satisfying the obligation of support due the
2 obligee. If the basis for suspension applies to at least one
3 but not all of the children for whom support is ordered and the
4 support order includes a step change, ~~the unit~~ child support
5 services shall prepare an order suspending the accruing support
6 obligation for each child to whom the basis for suspension
7 applies.

8 3. An order approved by the court for suspension of an
9 accruing support obligation is effective upon the date of
10 filing of the suspension order. The satisfaction of an
11 obligation of support due the obligee shall be final upon the
12 filing of the suspension order. A support obligation which is
13 satisfied is not subject to the reinstatement provisions of
14 this section.

15 4. An order suspending an accruing support obligation
16 entered by the court pursuant to this section shall be
17 considered a temporary order for the period of six months from
18 the date of filing of the suspension order. However, the
19 six-month period shall not include any time during which an
20 application for reinstatement is pending before the court.

21 5. During the six-month period ~~the unit~~ child support
22 services may request that the court reinstate the accruing
23 support order or obligation if any of the following conditions
24 exist:

25 a. Upon application to ~~the unit~~ child support services by
26 either parent or other person who has physical custody of the
27 child.

28 b. Upon the receipt of public assistance benefits, pursuant
29 to chapter 239B, 249A, or a comparable law of another state
30 or foreign country, by the person entitled to receive support
31 and the child on whose behalf support is paid, provided that
32 the person owing the support is not considered to be a member
33 of the same household as the child for the purposes of public
34 assistance eligibility.

35 6. If a condition under subsection 5 exists, ~~the unit~~

1 child support services may request that the court reinstate an
2 accruing support obligation as follows:

3 a. If the basis for the suspension no longer applies to any
4 of the children for whom an accruing support obligation was
5 suspended, ~~the unit~~ child support services shall request that
6 the court reinstate the accruing support obligations for all of
7 the children.

8 b. If the basis for the suspension continues to apply to
9 at least one but not all of the children for whom an accruing
10 support obligation was suspended and if the support order
11 includes a step change, ~~the unit~~ child support services
12 shall request that the court reinstate the accruing support
13 obligation for each child for whom the basis for the suspension
14 no longer applies.

15 7. Upon filing of an application for reinstatement, service
16 of the application shall be made either in person or by first
17 class mail upon both parents. Within ten days following the
18 date of service, the parents may file a written objection with
19 the clerk of the district court to the entry of an order for
20 reinstatement.

21 a. If no objection is filed, the court may enter an order
22 reinstating the accruing support obligation without additional
23 notice.

24 b. If an objection is filed, the clerk of court shall set
25 the matter for hearing and send notice of the hearing to both
26 parents and ~~the unit~~ child support services.

27 8. The reinstatement is effective as follows:

28 a. For reinstatements initiated under subsection 5,
29 paragraph "a", the date the notices were served on both parents
30 pursuant to subsection 7.

31 b. For reinstatements initiated under subsection 5,
32 paragraph "b", the date the child began receiving public
33 assistance benefits during the suspension of the obligation.

34 c. Support which became due during the period of suspension
35 but prior to the reinstatement is waived and not due and owing

1 unless the parties requested and agreed to the suspension under
2 false pretenses.

3 9. If the order suspending a support obligation has been
4 on file with the court for a period exceeding six months as
5 computed pursuant to subsection 4, the order becomes final by
6 operation of law and terminates the support obligation, and
7 thereafter, a party seeking to establish a support obligation
8 against either party shall bring a new action for support as
9 provided by law.

10 10. This section shall not limit the rights of the parents
11 or ~~the unit~~ child support services to proceed by other means to
12 suspend, terminate, modify, reinstate, or establish support.

13 11. This section does not provide for the suspension or
14 retroactive modification of support obligations which accrued
15 prior to the entry of an order suspending enforcement and
16 collection of support pursuant to this section. However, if in
17 the application for suspension, an obligee elects to satisfy an
18 obligation of accrued support due the obligee, the suspension
19 order may satisfy the obligation of accrued support due the
20 obligee.

21 12. Nothing in this section shall prohibit or limit ~~the~~
22 ~~unit~~ child support services or a party entitled to receive
23 support from enforcing and collecting any unpaid or unsatisfied
24 support that accrued prior to the suspension of the accruing
25 obligation.

26 13. For the purposes of chapter 252H, subchapter II,
27 regarding the criteria for a review or for a cost-of-living
28 alteration under chapter 252H, subchapter IV, if a support
29 obligation is terminated or reinstated under this section,
30 such termination or reinstatement shall not be considered a
31 modification of the support order.

32 14. As used in this section, unless the context otherwise
33 requires, "*step change*" means a change designated in a support
34 order specifying the amount of the child support obligation
35 as the number of children entitled to support under the order

1 changes.

2 15. As specified in this section, if the child for whom
 3 support is ordered is not receiving public assistance pursuant
 4 to chapter 239B, 249A, or a comparable law of another state
 5 or foreign country, upon agreement of the parents, ~~the unit~~
 6 child support services may facilitate the suspension of the
 7 child support order or obligation if the child is residing
 8 with a caretaker, who is a natural person, and who has not
 9 requested ~~the unit~~ child support services to provide services
 10 under this chapter. The parents and the caretaker shall sign
 11 a notarized affidavit attesting to the conditions under this
 12 section, consent to the suspension of the support order or
 13 obligation, and submit the affidavit to ~~the unit~~ child support
 14 services. Upon the receipt of public assistance benefits
 15 pursuant to chapter 239B, 249A, or a comparable law of another
 16 state or foreign country, by the child on whose behalf support
 17 is ordered, or upon application to ~~the unit~~ child support
 18 services by either parent or the caretaker, ~~the unit~~ child
 19 support services may, within the time periods specified in this
 20 section, request the reinstatement of the accruing support
 21 order or obligation pursuant to this section.

22 16. The department may adopt all necessary and proper rules
 23 to administer and interpret this section.

24 Sec. 864. Section 252B.20A, Code 2023, is amended to read
 25 as follows:

26 **252B.20A Suspension of support — request by one party.**

27 1. If ~~the unit~~ child support services is providing child
 28 support enforcement services pursuant to this chapter, the
 29 obligor who is ordered to pay support for the dependent child
 30 pursuant to chapter 252A, 252C, or 252F, may request the
 31 assistance of ~~the unit~~ child support services in suspending
 32 the obligation for support if all of the following conditions
 33 exist:

34 a. The child is currently residing with the obligor and has
 35 been for more than sixty consecutive days. If the basis for

1 suspension under this paragraph applies to at least one but not
2 all of the children for whom support is ordered, the condition
3 of this paragraph is met only if the support order includes a
4 step change.

5 *b.* There is no order in effect regarding legal custody,
6 physical care, visitation, or other parenting time for the
7 child.

8 *c.* It is reasonably expected that the basis for suspension
9 under this section will continue for not less than six months.

10 *d.* The child for whom support is ordered is not receiving
11 public assistance pursuant to chapter 239B, 249A, or a
12 comparable law of another state or foreign country, unless the
13 obligor is considered to be a member of the same household as
14 the child for the purposes of public assistance eligibility.

15 *e.* The obligor has signed a notarized affidavit, provided
16 by ~~the unit~~ child support services, attesting to the existence
17 of the conditions under paragraphs "a" through "d", has
18 requested suspension of the support order or obligation, and
19 has submitted the affidavit to ~~the unit~~ child support services.

20 *f.* No prior request for suspension has been served under
21 this section, and no prior request for suspension has been
22 filed with ~~the unit~~ child support services pursuant to section
23 252B.20, during the two-year period preceding the request.

24 *g.* Any other criteria established by rule of the department.

25 2. Upon receipt of the application for suspension and
26 properly executed and notarized affidavit, ~~the unit~~ child
27 support services shall review the application and affidavit
28 to determine that the criteria have been met. ~~The unit~~ Child
29 support services shall then do one of the following:

30 *a.* If ~~the unit~~ child support services determines the
31 criteria have not been met, deny the request and notify the
32 obligor in writing that the application is being denied,
33 providing reasons for the denial and notifying the obligor of
34 the right to proceed through private counsel. Denial of the
35 application is not subject to contested case proceedings or

1 further review pursuant to chapter 17A.

2 *b.* If ~~the unit~~ child support services determines the
3 criteria have been met, serve a copy of the notice and
4 supporting documents on the obligee by any means provided in
5 section 252B.26. The notice to the obligee shall include all
6 of the following:

7 (1) Information sufficient to identify the parties and the
8 support order affected.

9 (2) An explanation of the procedure for suspension and
10 reinstatement of support under this section.

11 (3) An explanation of the rights and responsibilities of the
12 obligee, including the applicable procedural time frames.

13 (4) A statement that within twenty days of service, the
14 obligee must submit a signed and notarized response to ~~the~~
15 unit child support services objecting to at least one of the
16 assertions in subsection 1, paragraphs "a" through "d". The
17 statement shall inform the obligee that if, within twenty days
18 of service, the obligee fails to submit a response as specified
19 in this subparagraph, notwithstanding rules of civil procedure
20 1.972(2) and 1.972(3), ~~the unit~~ child support services will
21 prepare and submit an order as provided in subsection 3,
22 paragraph "b".

23 3. No sooner than thirty days after service on the obligee
24 under subsection 2, paragraph "b", ~~the unit~~ child support
25 services shall do one of the following:

26 *a.* If the obligee submits a signed and notarized objection
27 to any assertion in subsection 1, paragraphs "a" through "d",
28 deny the request and notify the parties in writing that the
29 application is denied, providing reasons for the denial, and
30 notifying the parties of the right to proceed through private
31 counsel. Denial of the application is not subject to contested
32 case proceedings or further review pursuant to chapter 17A.

33 *b.* If the obligee does not timely submit a signed and
34 notarized objection to ~~the unit~~ child support services, prepare
35 an order which shall be submitted, along with supporting

1 documents, to a judge of a district court for approval,
2 suspending the accruing support obligation. If the basis for
3 suspension applies to at least one but not all of the children
4 for whom support is ordered and the support order includes a
5 step change, ~~the unit~~ child support services shall prepare an
6 order suspending the accruing support obligation for each child
7 to whom the basis for suspension applies.

8 4. An order approved by the court for suspension of an
9 accruing support obligation is effective upon the date of
10 filing of the suspension order.

11 5. An order suspending an accruing support obligation
12 entered by the court pursuant to this section shall be
13 considered a temporary order for the period of six months from
14 the date of filing of the suspension order. However, the
15 six-month period shall not include any time during which an
16 application for reinstatement is pending before the court.

17 6. During the six-month period, ~~the unit~~ child support
18 services may request that the court reinstate the accruing
19 support order or obligation if any of the following conditions
20 exist:

21 a. Upon application to ~~the unit~~ child support services by
22 either party or other person who has physical custody of the
23 child.

24 b. Upon the receipt of public assistance benefits pursuant
25 to chapter 239B, 249A, or a comparable law of another state
26 or foreign country, by the person entitled to receive support
27 and the child on whose behalf support is paid, provided that
28 the person owing the support is not considered to be a member
29 of the same household as the child for the purposes of public
30 assistance eligibility.

31 7. If a condition under subsection 6 exists, ~~the unit~~
32 child support services may request that the court reinstate an
33 accruing support obligation as follows:

34 a. If the basis for the suspension no longer applies to any
35 of the children for whom an accruing support obligation was

1 suspended, ~~the unit~~ child support services shall request that
2 the court reinstate the accruing support obligations for all of
3 the children.

4 *b.* If the basis for the suspension continues to apply to
5 at least one but not all of the children for whom an accruing
6 support obligation was suspended and if the support order
7 includes a step change, ~~the unit~~ child support services
8 shall request that the court reinstate the accruing support
9 obligation for each child for whom the basis for the suspension
10 no longer applies.

11 8. Upon filing of an application for reinstatement, service
12 of the application shall be made either in person or by first
13 class mail upon the parties. Within ten days following the
14 date of service, a party may file a written objection with
15 the clerk of the district court to the entry of an order for
16 reinstatement.

17 *a.* If no objection is filed, the court may enter an order
18 reinstating the accruing support obligation without additional
19 notice.

20 *b.* If an objection is filed, the clerk of court shall set
21 the matter for hearing and send notice of the hearing to the
22 parties and ~~the unit~~ child support services.

23 9. *a.* The reinstatement is effective as follows:

24 (1) For reinstatements initiated under subsection 6,
25 paragraph "a", the date the notices were served on the parties
26 pursuant to subsection 8.

27 (2) For reinstatements initiated under subsection 6,
28 paragraph "b", the date the child began receiving public
29 assistance benefits during the suspension of the obligation.

30 *b.* Support which became due during the period of suspension
31 but prior to the reinstatement is waived and not due and owing
32 unless the suspension was made under false pretenses.

33 10. If the order suspending a support obligation has been
34 on file with the court for a period exceeding six months as
35 computed pursuant to subsection 5, the order becomes final by

1 operation of law and terminates the support obligation, and
2 thereafter, a party seeking to establish a support obligation
3 against either party shall bring a new action for support as
4 provided by law.

5 11. Legal representation of ~~the unit~~ child support services
6 shall be provided pursuant to section 252B.7, subsection 4.

7 12. This section shall not limit the rights of a party or
8 ~~the unit~~ child support services to proceed by other means to
9 suspend, terminate, modify, reinstate, or establish support.

10 13. This section does not provide for the suspension or
11 retroactive modification of support obligations which accrued
12 prior to the entry of an order suspending enforcement and
13 collection of support pursuant to this section.

14 14. Nothing in this section shall prohibit or limit ~~the~~
15 ~~unit~~ child support services or a party entitled to receive
16 support from enforcing and collecting any unpaid or unsatisfied
17 support that accrued prior to the suspension of the accruing
18 obligation.

19 15. For the purposes of chapter 252H regarding the criteria
20 for a review under subchapter II of that chapter or for a
21 cost-of-living alteration under subchapter IV of that chapter,
22 if a support obligation is terminated or reinstated under
23 this section, such termination or reinstatement shall not be
24 considered a modification of the support order.

25 16. As used in this section, unless the context otherwise
26 requires, "*step change*" means a change designated in a support
27 order specifying the amount of the child support obligation
28 as the number of children entitled to support under the order
29 changes.

30 17. As specified in this section, if the child for whom
31 support is ordered is not receiving public assistance pursuant
32 to chapter 239B, 249A, or a comparable law of another state
33 or foreign country, upon request by the obligor, ~~the unit~~
34 child support services may facilitate the suspension of the
35 child support order or obligation if the child is residing

1 with a caretaker, who is a natural person, and who has not
2 requested ~~the-unit~~ child support services to provide services
3 under this chapter. The obligor and the caretaker shall sign
4 a notarized affidavit attesting to the conditions under this
5 section, consent to the suspension of the support order or
6 obligation, and submit the affidavit to ~~the-unit~~ child support
7 services. Upon the receipt of public assistance benefits
8 pursuant to chapter 239B, 249A, or a comparable law of another
9 state or foreign country, by the child on whose behalf support
10 is ordered, or upon application to ~~the-unit~~ child support
11 services by either party or the caretaker, ~~the-unit~~ child
12 support services may, within the time periods specified in this
13 section, request the reinstatement of the accruing support
14 order or obligation pursuant to this section.

15 18. The department may adopt all necessary and proper rules
16 to administer and interpret this section.

17 Sec. 865. Section 252B.21, Code 2023, is amended to read as
18 follows:

19 **252B.21 Administrative seek employment orders.**

20 1. For any support order being enforced by ~~the-unit~~ child
21 support services, ~~the-unit~~ child support services may enter
22 an ex parte order requiring the obligor to seek employment
23 if employment of the obligor cannot be verified and if the
24 obligor has failed to make support payments. Advance notice is
25 not required prior to entering the ex parte order. The order
26 shall be served upon the obligor by regular mail, with proof of
27 service completed as provided in rule of civil procedure 1.442.
28 ~~The-unit~~ Child support services shall file a copy of the order
29 with the clerk of the district court.

30 2. The order to seek employment shall contain directives,
31 including all of the following:

32 a. That the obligor seek employment within a determinate
33 amount of time.

34 b. That the obligor file with ~~the-unit~~ child support
35 services on a weekly basis a report of at least five new

1 attempts to find employment or of having found employment. The
 2 report shall include the names, addresses, and the telephone
 3 numbers of any employers or businesses with whom the obligor
 4 attempted to seek employment and the name of the individual
 5 contact to whom the obligor made application for employment or
 6 to whom an inquiry was directed.

7 c. That failure to comply with the notice is evidence of a
 8 willful failure to pay support under section 598.23A.

9 d. That the obligor shall provide ~~the child support recovery~~
 10 ~~unit~~ services with verification of any reason for noncompliance
 11 with the order.

12 e. The duration of the order, not to exceed three months.

13 3. The department may establish additional criteria or
 14 requirements relating to seek employment orders by rule as
 15 necessary to implement this section.

16 Sec. 866. Section 252B.22, subsection 1, unnumbered
 17 paragraph 1, Code 2023, is amended to read as follows:

18 ~~The child~~ Child support ~~recovery unit~~ services created in
 19 this chapter shall establish a task force to assist in the
 20 development and implementation of all of the following:

21 Sec. 867. Section 252B.23, Code 2023, is amended to read as
 22 follows:

23 **252B.23 Surcharge.**

24 1. A surcharge shall be due and payable by the obligor on
 25 a support arrearage identified as difficult to collect and
 26 referred by ~~the unit~~ child support services on or after January
 27 1, 1998, to a collection entity under contract with ~~the unit~~
 28 child support services or other state entity. The amount of
 29 the surcharge shall be a percent of the amount of the support
 30 arrearage referred to the collection entity and shall be
 31 specified in the contract with the collection entity. For the
 32 purpose of this chapter, a "*collection entity*" includes but is
 33 not limited to a state agency, including the central collection
 34 unit of the department of revenue, or a private collection
 35 agency. Use of a collection entity is in addition to any

1 other legal means by which support payments may be collected.
2 ~~The unit~~ Child support services shall continue to use other
3 enforcement actions, as appropriate.

4 2. a. Notice that a surcharge may be assessed on a support
5 arrearage referred to a collection entity pursuant to this
6 section shall be provided to an obligor in accordance with one
7 of the following as applicable:

8 (1) In the order establishing or modifying the support
9 obligation. ~~The unit~~ Child support services or the district
10 court shall include notice in any new or modified support order
11 issued on or after July 1, 1997.

12 (2) Through notice sent by ~~the unit~~ child support services
13 by regular mail to the last known address of the support
14 obligor.

15 b. The notice shall also advise that any appropriate
16 information may be provided to a collection entity for purposes
17 of administering and enforcing the surcharge.

18 3. Arrearages submitted for referral and surcharge pursuant
19 to this section shall meet all of the following criteria:

20 a. The arrearages owed shall be based on a court or
21 administrative order which establishes the support obligation.

22 b. The arrearage is due for a case in which ~~the unit~~
23 child support services is providing services pursuant to this
24 chapter and one for which the arrearage has been identified as
25 difficult to collect by ~~the unit~~ child support services.

26 c. The obligor was provided notice pursuant to subsection 2
27 at least fifteen days prior to sending the notice of referral
28 pursuant to subsection 4.

29 4. ~~The unit~~ Child support services shall send notice of
30 referral to the obligor by regular mail to the obligor's last
31 known address, with proof of service completed according to
32 rule of civil procedure 1.442, at least thirty days prior to
33 the date the arrearage is referred to the collection entity.
34 The notice shall inform the obligor of all of the following:

35 a. The arrearage will be referred to a collection entity.

1 *b.* Upon referral, a surcharge is due and payable by the
2 obligor.

3 *c.* The amount of the surcharge.

4 *d.* That the obligor may avoid referral by paying the amount
5 of the arrearage to the collection services center within
6 twenty days of the date of notice of referral.

7 *e.* That the obligor may contest the referral by submitting a
8 written request for review of ~~the unit~~ child support services.
9 The request shall be received by ~~the unit~~ child support
10 services within twenty days of the date of the notice of
11 referral.

12 *f.* The right to contest the referral is limited to a mistake
13 of fact, which includes a mistake in the identity of the
14 obligor, a mistake as to fulfillment of the requirements for
15 referral under this subsection, or a mistake in the amount of
16 the arrearages.

17 *g.* ~~The unit~~ Child support services shall issue a written
18 decision following a requested review.

19 *h.* Following the issuance of a written decision by ~~the unit~~
20 child support services denying that a mistake of fact exists,
21 the obligor may request a hearing to challenge the surcharge
22 by sending a written request for a hearing to ~~the office of~~
23 ~~the unit which issued the decision~~ child support services.
24 The request shall be received by ~~the office of the unit which~~
25 ~~issued the decision~~ child support services within ten days of
26 ~~the unit's~~ child support services' written decision. The only
27 grounds for a hearing shall be mistake of fact. Following
28 receipt of the written request, ~~the unit which receives the~~
29 ~~request~~ child support services shall certify the matter for
30 hearing in the district court in the county in which the
31 underlying support order is filed.

32 *i.* The address of the collection services center for payment
33 of the arrearages.

34 5. If the obligor pays the amount of arrearage within twenty
35 days of the date of the notice of referral, referral of the

1 arrearage to a collection entity shall not be made.

2 6. If the obligor requests a review or court hearing
3 pursuant to this section, referral of the arrearages shall be
4 stayed pending the decision of ~~the unit~~ child support services
5 or the court.

6 7. Actions of ~~the unit~~ child support services under this
7 section shall not be subject to contested case proceedings or
8 further review pursuant to chapter 17A and any resulting court
9 hearing shall be an original hearing before the district court.
10 However, the department shall establish, by rule pursuant to
11 chapter 17A, an internal process to provide an additional
12 review by the ~~administrator of the child support recovery unit~~
13 director or the ~~administrator's~~ director's designee.

14 8. If an obligor does not pay the amount of the arrearage,
15 does not contest the referral, or if following ~~the unit's~~
16 child support services' review and any court hearing ~~the unit~~
17 child support services or the court does not find a mistake
18 of fact, the arrearages shall be referred to a collection
19 entity. Following the review or hearing, if ~~the unit~~ child
20 support services or the court finds a mistake in the amount
21 of the arrearage, the arrearages shall be referred to the
22 collection entity in the appropriate arrearage amount. For
23 arrearages referred to a collection entity, the obligor shall
24 pay a surcharge equal to a percent of the amount of the support
25 arrearage due as of the date of the referral. The surcharge
26 is in addition to the arrearages and any other fees or charges
27 owed, and shall be enforced by the collection entity as
28 provided under section 252B.5. Upon referral to the collection
29 entity, the surcharge is an automatic judgment against the
30 obligor.

31 9. The director or the director's designee may file a notice
32 of the surcharge with the clerk of the district court in the
33 county in which the underlying support order is filed. Upon
34 filing, the clerk shall enter the amount of the surcharge on
35 the lien index and judgment docket.

1 10. Following referral of a support arrearage to a
2 collection entity, the surcharge shall be due and owing and
3 enforceable by a collection entity or ~~the unit~~ child support
4 services notwithstanding satisfaction of the support obligation
5 or whether the collection entity is enforcing a support
6 arrearage. However, ~~the unit~~ child support services may waive
7 payment of all or a portion of the surcharge if waiver will
8 facilitate the collection of the support arrearage.

9 11. All surcharge payments shall be received and disbursed
10 by the collection services center. The surcharge payments
11 received by the collection services center shall be considered
12 repayment receipts as defined in section 8.2 and shall be used
13 to pay the costs of any contracts with a collection entity.

14 12. *a.* A payment received by the collection services center
15 which meets all the following conditions shall be allocated as
16 specified in paragraph "*b*":

17 (1) The payment is for a case in which arrearages have been
18 referred to a collection entity.

19 (2) A surcharge is assessed on the arrearages.

20 (3) The payment is collected under the provisions of the
21 contract with the collection entity.

22 *b.* A payment meeting all of the conditions in paragraph "*a*"
23 shall be allocated between support and costs and fees, and the
24 surcharge according to the following formula:

25 (1) The payment shall be divided by the sum of one hundred
26 percent plus the percent specified in the contract.

27 (2) The quotient shall be the amount allocated to the
28 support arrearage and other fees and costs.

29 (3) The difference between the dividend and the quotient
30 shall be the amount allocated to the surcharge.

31 13. Any computer or software programs developed and any
32 records used in relation to a contract with a collection entity
33 remain the property of the department.

34 Sec. 868. Section 252B.24, Code 2023, is amended to read as
35 follows:

1 **252B.24 State case registry.**

2 1. ~~Beginning October 1, 1998, the unit~~ Child support
3 services shall operate a state case registry to the extent
4 determined by applicable time frames and other provisions of
5 42 U.S.C. §654a(e) and this section. ~~The unit~~ Child support
6 services and the judicial branch shall enter into a cooperative
7 agreement for the establishment and operation of the registry
8 by ~~the unit~~ child support services. The state case registry
9 shall include records with respect to all of the following:

10 a. Unless prohibited by federal law, each case for which
11 services are provided under this chapter.

12 b. Each order for support, as defined in section 252D.16 or
13 598.1, which meets at least one of the following criteria:

14 (1) The support order is established or modified in this
15 state on or after October 1, 1998.

16 (2) The income of the obligor is subject to income
17 withholding under chapter 252D, including any support order for
18 which the district court enters an ex parte order under chapter
19 252D on or after October 1, 1998.

20 2. The clerk of the district court shall provide ~~the~~
21 ~~unit~~ child support services with any information, orders,
22 or documents requested by ~~the unit~~ child support services
23 to establish or operate the state case registry, which are
24 specified in the agreement described in subsection 1, within
25 the time frames specified in that agreement. The agreement
26 shall include but is not limited to provisions to provide for
27 all of the following:

28 a. Provision to ~~the unit~~ child support services of
29 information, orders, and documents necessary for ~~the unit~~ child
30 support services to meet requirements described in 42 U.S.C.
31 §654a(e) and this section.

32 b. Provision to ~~the unit~~ child support services of
33 information filed with the clerk of the district court by a
34 party under section 598.22B, and the social security number
35 of a child filed with the clerk of the district court under

1 section 602.6111.

2 *c.* Use of automation, as appropriate, to meet the
3 requirements described in 42 U.S.C. §654a(e) and this section.

4 3. The records of the state case registry are confidential
5 records pursuant to chapter 22 and may only be disclosed or
6 used as provided in section 252B.9.

7 Sec. 869. Section 252B.25, Code 2023, is amended to read as
8 follows:

9 **252B.25 Contempt — combining actions.**

10 Notwithstanding any provision of law to the contrary, if
11 an obligor has been ordered to provide support in more than
12 one order, ~~the unit~~ child support services may bring a single
13 action for contempt to enforce the multiple orders. However,
14 if the obligor objects to the consolidation of the actions
15 regarding multiple orders into a single action for contempt,
16 and the court determines that severance of the single action
17 into multiple actions is in the interest of justice, ~~the~~
18 ~~unit~~ child support services shall bring multiple actions for
19 contempt to enforce the multiple orders. If the single action
20 is brought and the obligor does not object, ~~the unit~~ child
21 support services shall file the action in the district court of
22 a county where the obligor resides, or if the obligor does not
23 reside in the state, in the district court of the county where
24 at least one of the support orders was entered or registered.
25 For the purposes of this section, the district court where
26 ~~the unit~~ child support services files the action shall have
27 jurisdiction and authority over all other support orders for
28 the obligor entered or registered by a court of this state and
29 affected under this section. In such case, ~~the unit~~ child
30 support services shall also file a document with the clerk of
31 court in each county affected specifying the county where the
32 action under this section was filed and the disposition of the
33 action.

34 Sec. 870. Section 252B.26, Code 2023, is amended to read as
35 follows:

1 **252B.26 Service of process.**

2 Notwithstanding any provision of law to the contrary, ~~the~~
3 ~~unit~~ child support services may serve a petition, notice, or
4 rule to show cause under this chapter or chapter 252A, 252C,
5 252F, 252H, 252K, 598, or 665 as specified in each chapter, or
6 as follows:

7 1. ~~The unit~~ Child support services may serve a petition,
8 notice, or rule to show cause by certified mail. Return
9 acknowledgment is required to prove service by certified mail,
10 rules of civil procedure 1.303(5) and 1.308(5) shall not apply,
11 and the return acknowledgment shall be filed with the clerk of
12 court.

13 2. ~~The unit~~ Child support services may serve a notice
14 of intent under chapter 252H, or a notice of decision under
15 section 252H.14A, upon any party or parent who is receiving
16 family investment program assistance for the parent or child by
17 sending the notice by regular mail to the address maintained by
18 the department. Rules of civil procedure 1.303(5) and 1.308(5)
19 shall not apply and ~~the unit~~ child support services shall file
20 proof of service as provided in chapter 252H. If the notice is
21 determined to be undeliverable, ~~the unit~~ child support services
22 shall serve the notice as otherwise provided in this section
23 or by personal service.

24 Sec. 871. Section 252B.27, Code 2023, is amended to read as
25 follows:

26 **252B.27 Use of funding for additional positions.**

27 1. The director, within the limitations of the amount
28 appropriated for ~~the unit~~ child support services, or moneys
29 transferred for this purpose from the family investment program
30 account created in section 239B.11, may establish new positions
31 and add employees to ~~the unit~~ child support services if the
32 director determines that both the current and additional
33 employees together can reasonably be expected to maintain or
34 increase net state revenue at or beyond the budgeted level for
35 the fiscal year.

1 2. *a.* The director may establish new positions and add
 2 state employees to ~~the unit~~ child support services or contract
 3 for delivery of services if the director determines the
 4 employees are necessary to replace county-funded positions
 5 eliminated due to termination, reduction, or nonrenewal of
 6 a chapter 28E contract. However, the director must also
 7 determine that the resulting increase in the state share of
 8 child support ~~recovery~~ services incentives exceeds the cost
 9 of the positions or contract, the positions or contract are
 10 necessary to ensure continued federal funding of ~~the unit~~
 11 child support services, or the new positions or contract can
 12 reasonably be expected to recover at least twice the amount of
 13 money necessary to pay the salaries and support for the new
 14 positions or the contract will generate at least two hundred
 15 percent of the cost of the contract.

16 *b.* Employees in full-time positions that transition
 17 from county government to state government employment under
 18 this subsection are exempt from testing, selection, and
 19 appointment provisions of chapter 8A, subchapter IV, and from
 20 the provisions of collective bargaining agreements relating to
 21 the filling of vacant positions.

22 Sec. 872. Section 252C.1, Code 2023, is amended to read as
 23 follows:

24 **252C.1 Definitions.**

25 As used in this chapter, unless the context otherwise
 26 requires:

27 1. ~~"Administrator" means the administrator of the child~~
 28 ~~support recovery unit of the department of human services, or~~
 29 ~~the administrator's designee.~~

30 2. 1. "Caretaker" means a parent, relative, guardian,
 31 or another person who is responsible for paying foster care
 32 costs pursuant to chapter 234 or whose needs are included in an
 33 assistance payment made pursuant to chapter 239B.

34 2. "Child support services" means child support services
 35 created in section 252B.2.

1 3. "*Court order*" means a judgment or order requiring the
2 payment of a set or determinable amount of monetary support.
3 For orders entered on or after July 1, 1990, unless the court
4 specifically orders otherwise, medical support, as defined
5 in section 252E.1, is not included in the amount of monetary
6 support.

7 4. "*Department*" means the department of health and human
8 services.

9 5. "*Dependent child*" means a person who meets the
10 eligibility criteria established in chapter 234 or 239B and
11 whose support is required by chapter 234, 239B, 252A, 252F,
12 598, or 600B.

13 6. "*Director*" means the director of health and human
14 services.

15 ~~6.~~ 7. "*Medical support*" means medical support as defined
16 in section 252E.1.

17 ~~7.~~ 8. "*Public assistance*" means foster care costs paid by
18 the department pursuant to chapter 234 or assistance provided
19 pursuant to chapter 239B.

20 ~~8.~~ 9. "*Responsible person*" means a parent, relative,
21 guardian, or another person legally liable for the support of a
22 child or a child's caretaker.

23 Sec. 873. Section 252C.2, Code 2023, is amended to read as
24 follows:

25 **252C.2 Assignment — creation of support debt — subrogation.**

26 1. If public assistance is provided by the department
27 to or on behalf of a dependent child or a dependent child's
28 caretaker, there is an assignment by operation of law to the
29 department of any and all right in, title to, and interest in
30 any support obligation, payment, and arrearages owed to or for
31 the child or caretaker up to the amount of public assistance
32 paid for or on behalf of the child or caretaker. Unless
33 otherwise specified in the order, an equal and proportionate
34 share of any child support awarded is presumed to be payable
35 on behalf of each child subject to the order or judgment for

1 purposes of an assignment under this section. For family
2 investment program assistance, section 239B.6 shall apply.

3 2. The payment of public assistance to or for the benefit of
4 a dependent child or a dependent child's caretaker creates a
5 support debt due and owing to the department by the responsible
6 person in an amount equal to the public assistance payment,
7 except that the support debt is limited to the amount of
8 a support obligation established by court order or by the
9 administrator department. The administrator department may
10 establish a support debt as to amounts accrued and accruing
11 pursuant to section 598.21B. However, when establishing a
12 support obligation against a responsible person, no debt shall
13 be created for the period during which the responsible person
14 is a recipient on the person's own behalf of public assistance
15 for the benefit of the dependent child or the dependent child's
16 caretaker, if any of the following conditions exist:

17 a. The parents have reconciled and are cohabiting, and the
18 child for whom support would otherwise be sought is living in
19 the same residence as the parents.

20 b. The child is living with the parent from whom support
21 would otherwise be sought.

22 3. The provision of child support collection or paternity
23 determination services under chapter 252B to an individual,
24 even though the individual is ineligible for public assistance,
25 creates a support debt due and owing to the individual or the
26 individual's child or ward by the responsible person in the
27 amount of a support obligation established by court order or
28 by the administrator department. The administrator department
29 may establish a support debt in favor of the individual or the
30 individual's child or ward and against the responsible person,
31 both as to amounts accrued and accruing, pursuant to section
32 598.21B.

33 4. The payment of medical assistance pursuant to chapter
34 249A for the benefit of a dependent child or a dependent
35 child's caretaker creates a support debt due and owing to the

1 department. The ~~administrator~~ department may establish an
 2 order for medical support.

3 5. The department is subrogated to the rights of a dependent
 4 child or a dependent child's caretaker to bring a court action
 5 or to execute an administrative remedy for the collection
 6 of support. The ~~administrator~~ department may petition an
 7 appropriate court for modification of a court order on the same
 8 grounds as a party to the court order can petition the court
 9 for modification.

10 Sec. 874. Section 252C.3, Code 2023, is amended to read as
 11 follows:

12 **252C.3 Notice of support debt — failure to respond —**
 13 **hearing — order.**

14 1. The ~~administrator~~ department may issue a notice stating
 15 the intent to secure an order for either medical support as
 16 provided in chapter 252E or payment of an accrued or accruing
 17 support debt due and owed to the department or an individual
 18 under section 252C.2, or both. The notice shall be served upon
 19 the responsible person in accordance with the rules of civil
 20 procedure. The notice shall include all of the following:

21 a. A statement that the support obligation will be set
 22 pursuant to the child support guidelines established pursuant
 23 to section 598.21B, and the criteria established pursuant to
 24 section 252B.7A, and that the responsible person is required to
 25 provide medical support in accordance with chapter 252E.

26 b. The name of a public assistance recipient and the name of
 27 the dependent child or caretaker for whom the public assistance
 28 is paid.

29 c. (1) A statement that if the responsible person desires
 30 to discuss the amount of support that a responsible person
 31 should be required to pay, the responsible person may, within
 32 ten days after being served, contact ~~the office of the child~~
 33 ~~support recovery unit which sent the notice~~ services and
 34 request a negotiation conference.

35 (2) A statement that if a negotiation conference is

1 requested, then the responsible person shall have ten days from
2 the date set for the negotiation conference or thirty days from
3 the date of service of the original notice, whichever is later,
4 to send a request for a hearing to ~~the office of the child~~
5 ~~support recovery unit which issued the notice~~ services.

6 (3) A statement that after the holding of the negotiation
7 conference, the administrator department may issue a new notice
8 and finding of financial responsibility for child support or
9 medical support, or both, to be sent to the responsible person
10 by regular mail addressed to the responsible person's last
11 known address, or if applicable, to the last known address of
12 the responsible person's attorney.

13 (4) A statement that if the administrator department issues
14 a new notice and finding of financial responsibility for child
15 support or medical support, or both, then the responsible
16 person shall have thirty days from the date of issuance of the
17 new notice to send a request for a hearing to ~~the office of the~~
18 ~~child support recovery unit which issued the notice~~ services.

19 If the administrator department does not issue a new notice
20 and finding of financial responsibility for child support or
21 medical support, or both, the responsible party shall have ten
22 days from the date of issuance of the conference report to send
23 a request for a hearing to ~~the office of the child support~~
24 ~~recovery unit which issued the conference report~~ services.

25 d. A statement that if the responsible person objects
26 to all or any part of the notice or finding of financial
27 responsibility for child support or medical support, or both,
28 and a negotiation conference is not requested, the responsible
29 person shall, within thirty days of the date of service send to
30 ~~the office of the child support recovery unit which issued the~~
31 ~~notice~~ services a written response setting forth any objections
32 and requesting a hearing.

33 e. A statement that if a timely written request for a
34 hearing is received by ~~the office of the child support recovery~~
35 ~~unit which issued the notice~~ services, the responsible person

1 shall have the right to a hearing to be held in district
2 court; and that if no timely written response is received, the
3 ~~administrator~~ department may enter an order in accordance with
4 the notice and finding of financial responsibility for child
5 support or medical support, or both.

6 *f.* A statement that, as soon as the order is entered, the
7 property of the responsible person is subject to collection
8 action, including but not limited to wage withholding,
9 garnishment, attachment of a lien, and execution.

10 *g.* A statement that the responsible person shall notify the
11 ~~administrator~~ department of any change of address, employment,
12 or medical coverage as required by chapter 252E.

13 *h.* A statement that if the responsible person has any
14 questions, the responsible person should telephone or visit an
15 ~~office of the child support recovery unit~~ services or consult
16 an attorney.

17 *i.* Such other information as the ~~administrator~~ department
18 finds appropriate.

19 2. The time limitations for requesting a hearing in
20 subsection 1 may be extended by the ~~administrator~~ department.

21 3. If a timely written response setting forth objections and
22 requesting a hearing is received by ~~the appropriate office of~~
23 ~~the child support recovery unit~~ services, a hearing shall be
24 held in district court.

25 4. If timely written response and request for hearing is
26 not received by ~~the appropriate office of the child support~~
27 ~~recovery unit~~ services, the ~~administrator~~ department may enter
28 an order in accordance with the notice, and shall specify all
29 of the following:

30 *a.* The amount of monthly support to be paid, with directions
31 as to the manner of payment.

32 *b.* The amount of the support debt accrued and accruing in
33 favor of the department.

34 *c.* The name of the custodial parent or agency having custody
35 of the dependent child and the name and birth date of the

1 dependent child for whom support is to be paid.

2 *d.* That the property of the responsible person is subject
3 to collection action, including but not limited to wage
4 withholding, garnishment, attachment of a lien, and execution.

5 *e.* The medical support required pursuant to chapter 598 and
6 rules adopted pursuant to chapter 252E.

7 5. The responsible person shall be sent a copy of the order
8 by regular mail addressed to the responsible person's last
9 known address, or if applicable, to the last known address of
10 the responsible person's attorney. The order is final, and
11 action by the ~~administrator~~ department to enforce and collect
12 upon the order, including arrearages and medical support, or
13 both, may be taken from the date of approval of the order by the
14 court pursuant to section 252C.5.

15 Sec. 875. Section 252C.4, Code 2023, is amended to read as
16 follows:

17 **252C.4 Certification to court — hearing — default.**

18 1. A responsible person or ~~the child support recovery~~
19 ~~unit~~ services may request a hearing regarding a determination
20 of support. If a timely written request for a hearing is
21 received, the ~~administrator~~ department shall certify the matter
22 to the district court as follows:

23 *a.* If the child or children reside in Iowa, and ~~the unit~~
24 child support services is seeking an accruing obligation, in
25 the county in which the dependent child or children reside.

26 *b.* If the child or children received public assistance in
27 Iowa, and ~~the unit~~ child support services is seeking only an
28 accrued obligation, in the county in which the dependent child
29 or children last received public assistance.

30 *c.* If the action is the result of a request from another
31 state or foreign country to establish support by a responsible
32 person located in Iowa, in the county in which the responsible
33 person resides.

34 2. The certification shall include true copies of the
35 notice and finding of financial responsibility or notice of the

1 support debt accrued and accruing, the return of service, the
2 written objections and request for hearing, and true copies of
3 any administrative orders previously entered.

4 3. The court shall set the matter for hearing and notify the
5 parties of the time and place of hearing.

6 4. The court shall establish the monthly child support
7 payment and the amount of the support debt accrued and accruing
8 pursuant to section 598.21B, or medical support pursuant to
9 chapter 252E, or both.

10 5. If a party fails to appear at the hearing, upon a showing
11 of proper notice to that party, the court shall find that party
12 in default and enter an appropriate order.

13 6. Actions initiated by the ~~administrator~~ department under
14 this chapter are not subject to chapter 17A and resulting court
15 hearings following certification shall be an original hearing
16 before the district court.

17 7. If a responsible person contests an action initiated
18 under this chapter by denying paternity, the following shall
19 apply, as necessary:

20 a. (1) If the prior determination of paternity is based on
21 an affidavit of paternity filed pursuant to section 252A.3A, or
22 an administrative order entered pursuant to chapter 252F, or an
23 order by the courts of this state, or by operation of law when
24 the mother and established father are or were married to each
25 other, the provisions of section 600B.41A are applicable.

26 (2) If the court determines that the prior determination of
27 paternity should not be overcome pursuant to section 600B.41A,
28 and that the responsible person has a duty to provide support,
29 the court shall enter an order establishing the monthly child
30 support payment and the amount of the support debt accrued
31 and accruing pursuant to section 598.21B, or medical support
32 pursuant to chapter 252E, or both.

33 b. If the prior determination of paternity is based on an
34 administrative or court order or other means, pursuant to the
35 laws of another state or foreign country, an action to overcome

1 the prior determination of paternity shall be filed in that
 2 jurisdiction. Unless the responsible person requests and is
 3 granted a stay of an action initiated under this chapter to
 4 establish child or medical support, the action shall proceed as
 5 otherwise provided by this chapter.

6 Sec. 876. Section 252C.5, Code 2023, is amended to read as
 7 follows:

8 **252C.5 Filing and docketing of financial responsibility order**
 9 **— order effective as district court decree.**

10 1. A true copy of any order entered by the ~~administrator~~
 11 department pursuant to this chapter, along with a true copy
 12 of the return of service, if applicable, may be filed in
 13 the office of the clerk of the district court in the manner
 14 established pursuant to section 252C.4, subsection 1.

15 2. The ~~administrator's~~ department's order shall be
 16 presented, ex parte, to the district court for review and
 17 approval. Unless defects appear on the face of the order or on
 18 the attachments, the district court shall approve the order.
 19 The approved order shall have all the force, effect, and
 20 attributes of a docketed order or decree of the district court.

21 3. Upon filing, the clerk shall enter the order in the
 22 judgment docket.

23 4. If the responsible party appeals the order approved
 24 by the court under this section, and the court on appeal
 25 establishes an amount of support which is less than the amount
 26 of support established under the approved order, the court, in
 27 the order issued on appeal, shall reconcile the amounts due
 28 and shall provide that any amount which represents the unpaid
 29 difference between the amount under the approved order and the
 30 amount under the order of the court on appeal is satisfied.

31 Sec. 877. Section 252C.6, Code 2023, is amended to read as
 32 follows:

33 **252C.6 Interest on support debts.**

34 Interest accrues on support debts at the rate provided
 35 in section 535.3 for court judgments. The ~~administrator~~

1 department may collect the accrued interest but is not required
 2 to maintain interest balance accounts. ~~The department~~ Child
 3 support services may waive payment of the interest if the
 4 waiver will facilitate the collection of the support debt.

5 Sec. 878. Section 252C.8, Code 2023, is amended to read as
 6 follows:

7 **252C.8 Temporary restraining order or bond.**

8 If the ~~administrator~~ department reasonably believes that the
 9 responsible person is not a resident of this state, is about to
 10 move from this state, or is concealing the responsible person's
 11 whereabouts, or that the responsible person has removed or
 12 is about to remove, secrete, waste, or otherwise dispose of
 13 property which could be made subject to collection procedures
 14 to satisfy the support debt, the ~~administrator~~ department may
 15 petition the district court for a temporary restraining order
 16 barring the removal, secretion, waste, or disposal. However,
 17 if the responsible person furnishes a bond satisfactory to the
 18 court, the temporary restraining order shall be vacated.

19 Sec. 879. Section 252C.12, Code 2023, is amended to read as
 20 follows:

21 **252C.12 Waiver of time limitations by responsible person.**

22 1. A responsible person may waive the time limitations
 23 established in section 252C.3.

24 2. Upon receipt of a signed statement from each responsible
 25 person waiving the time limitations established in section
 26 252C.3, the ~~administrator~~ department may proceed to enter an
 27 order for support and the court may approve the order, whether
 28 or not the time limitations have expired.

29 3. If a responsible person waives the time limitations
 30 established in section 252C.3 and an order for support is
 31 entered under this chapter, the signed statement of the
 32 responsible person waiving the time limitations shall be filed
 33 with the order for support.

34 Sec. 880. Section 252D.1, Code 2023, is amended to read as
 35 follows:

1 **252D.1 Delinquent support payments.**

2 If support payments ordered under this chapter or chapter
3 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other
4 applicable chapter, or under a comparable statute of another
5 state or foreign country, as certified to ~~the~~ child support
6 ~~recovery unit established in section 252B.2~~ services, are not
7 paid to the clerk of the district court or the collection
8 services center pursuant to section 598.22 or, as appropriate,
9 a comparable government entity in another state as provided
10 in chapter 252K, and become delinquent in an amount equal to
11 the payment for one month, ~~the~~ child support ~~recovery unit~~
12 services may enter an ex parte order or, upon application of a
13 person entitled to receive the support payments, the district
14 court may enter an ex parte order, notifying the person whose
15 income is to be withheld, of the delinquent amount, of the
16 amount of income to be withheld, and of the procedure to
17 file a motion to quash the order for income withholding, and
18 ordering the withholding of specified sums to be deducted
19 from the delinquent person's income as defined in section
20 252D.16 sufficient to pay the support obligation and, except as
21 provided in section 598.22, requiring the payment of such sums
22 to the clerk of the district court or the collection services
23 center or, as appropriate, a comparable government entity
24 in another state as provided in chapter 252K. All income
25 withholding payments shall be paid to the collection services
26 center or, as appropriate, a comparable government entity in
27 another state as provided in chapter 252K. Notification of
28 income withholding shall be provided to the obligor and to the
29 payor of income pursuant to section 252D.17.

30 Sec. 881. Section 252D.8, Code 2023, is amended to read as
31 follows:

32 **252D.8 Persons subject to immediate income withholding.**

33 1. In a support order issued or modified on or after
34 November 1, 1990, for which services are being provided by ~~the~~
35 child support ~~recovery unit~~ services, and in any support orders

1 issued or modified after January 1, 1994, for which services
2 are not provided by ~~the child support recovery unit~~ services,
3 the income of a support obligor is subject to withholding, on
4 the effective date of the order, regardless of whether support
5 payments by the obligor are in arrears. If services are being
6 provided pursuant to chapter 252B, ~~the child support recovery~~
7 ~~unit~~ services may enter an ex parte order for an immediate
8 withholding of income. The district court may enter an ex
9 parte order for immediate income withholding for cases in which
10 ~~the child support recovery unit~~ services is not providing
11 services. The income of the obligor is subject to immediate
12 withholding unless one of the following occurs:

13 a. One of the parties demonstrates and the court or child
14 support ~~recovery unit~~ services finds there is good cause not to
15 require immediate withholding. A finding of good cause shall
16 be based on, at a minimum, written findings and conclusions by
17 the court or administrative authority as to why implementing
18 immediate withholding would not be in the best interests of the
19 child. In cases involving modifications, the findings shall
20 also include proof of timely payment of previously ordered
21 support.

22 b. A written agreement is reached between both parties
23 which provides for an alternative arrangement. If the support
24 payments have been assigned to the department ~~of human services~~
25 pursuant to chapter 234 or 239B, or a comparable statute of
26 another jurisdiction, the department shall be considered a
27 party to the support order, and a written agreement pursuant
28 to this section to waive immediate withholding is void unless
29 approved by ~~the child support recovery unit~~ services. Any
30 agreement existing at the time an assignment of support is made
31 pursuant to chapter 234 or 239B or pursuant to a comparable
32 statute of another jurisdiction shall not prevent ~~the child~~
33 support ~~recovery unit~~ services from implementing immediate
34 withholding.

35 2. For an order not requiring immediate withholding, income

1 of an obligor is subject to immediate withholding, without
2 regard to whether there is an arrearage, on the earliest of the
3 following:

4 a. The date the obligor requests that the withholding begin.

5 b. The date the custodial parent or party to the proceeding
6 requests that the withholding begin, if the request is approved
7 by the district court or, in cases in which services are
8 being provided pursuant to chapter 252B, if the child support
9 ~~recovery unit~~ services approves the request.

10 Sec. 882. Section 252D.16, Code 2023, is amended to read as
11 follows:

12 **252D.16 Definitions.**

13 As used in this chapter, unless the context otherwise
14 requires:

15 1. "Child support services" means the same as child
16 supported services created in section 252B.2.

17 2. "Department" means the department of health and human
18 services.

19 ~~1-~~ 3. "Income" means all of the following:

20 a. Any periodic form of payment due an individual,
21 regardless of source, including but not limited to wages,
22 salaries, commissions, bonuses, workers' compensation,
23 disability payments, payments pursuant to a pension or
24 retirement program, and interest.

25 b. A sole payment or lump sum as provided in section
26 252D.18C, including but not limited to payment from an estate
27 including inheritance, or payment for personal injury or
28 property damage.

29 c. Irregular income as defined in section 252D.18B.

30 ~~2-~~ 4. "Payor of income" or "payor" means and includes, but
31 is not limited to, an obligor's employer, trustee, the state
32 of Iowa and all governmental subdivisions and agencies and any
33 other person from whom an obligor receives income.

34 ~~3-~~ 5. "Support" or "support payments" means any amount
35 which the court or administrative agency may require a person

1 to pay for the benefit of a child under a temporary order or a
 2 final judgment or decree entered under chapter 232, 234, 252A,
 3 252C, 252F, 252H, 598, 600B, or any other comparable chapter,
 4 and may include child support, maintenance, medical support as
 5 defined in chapter 252E, spousal support, and any other term
 6 used to describe these obligations. These obligations may
 7 include support for a child of any age who is dependent on the
 8 parties to the dissolution proceedings because of physical or
 9 mental disability. The obligations may include support for
 10 a child eighteen or more years of age with respect to whom a
 11 child support order has been issued pursuant to the laws of
 12 another state or foreign country. These obligations shall
 13 not include amounts for a postsecondary education subsidy as
 14 defined in section 598.1.

15 Sec. 883. Section 252D.16A, Code 2023, is amended to read
 16 as follows:

17 **252D.16A Income withholding order — child support ~~recovery~~**
 18 **unit services.**

19 If support payments are ordered under this chapter, chapter
 20 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other
 21 applicable chapter, or under a comparable statute of another
 22 state or foreign country, and if income withholding relative
 23 to such support payments is allowed under this chapter, ~~the~~
 24 child support ~~recovery-unit~~ services may enter an ex parte
 25 order notifying the person whose income is to be withheld
 26 of the procedure to file a motion to quash the order for
 27 income withholding, and ordering the withholding of sums to
 28 be deducted from the delinquent person's income as defined in
 29 section 252D.16 sufficient to pay the support obligation and
 30 requiring the payment of such sums to the collection services
 31 center or, as appropriate, a comparable government entity in
 32 another state as provided in chapter 252K. ~~The child~~ Child
 33 support ~~recovery-unit~~ services shall include the amount of
 34 any delinquency and the amount to be withheld in the notice
 35 provided to the obligor pursuant to section 252D.17A. Notice

1 of income withholding shall be provided to the obligor and to
2 the payor of income pursuant to sections 252D.17 and 252D.17A.

3 Sec. 884. Section 252D.17, subsection 1, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:

5 The district court shall provide notice by sending a copy
6 of the order for income withholding or a notice of the order
7 for income withholding to the obligor and the obligor's payor
8 of income by regular mail, with proof of service completed
9 according to rule of civil procedure 1.442. ~~The child~~ Child
10 ~~support recovery unit~~ services shall provide notice of the
11 income withholding order by sending a notice of the order to
12 the obligor's payor of income by regular mail or by electronic
13 means. Proof of service may be completed according to rule
14 of civil procedure 1.442. ~~The child~~ Child support ~~recovery~~
15 ~~unit's~~ services' notice of the order may be sent to the payor
16 of income on the same date that the order is sent to the clerk
17 of court for filing. In all other instances, the income
18 withholding order shall be filed with the clerk of court prior
19 to sending the notice of the order to the payor of income. In
20 addition to the amount to be withheld for payment of support,
21 the order or the notice of the order shall be in a standard
22 format as prescribed by ~~the unit~~ child support services and
23 shall include all of the following information regarding the
24 duties of the payor in implementing the withholding order:

25 Sec. 885. Section 252D.17, subsection 1, paragraphs g and i,
26 Code 2023, are amended to read as follows:

27 *g.* The withholding is binding on the payor until further
28 notice by the court or ~~the child support recovery unit~~
29 services.

30 *i.* The payor shall promptly notify the court or ~~the child~~
31 ~~support recovery unit~~ services when the obligor's employment or
32 other income terminates, and provide the obligor's last known
33 address and the name and address of the obligor's new employer,
34 if known.

35 Sec. 886. Section 252D.17A, Code 2023, is amended to read

1 as follows:

2 **252D.17A Notice to obligor of implementation of income**
3 **withholding order.**

4 ~~The child~~ Child support ~~recovery unit~~ services or the
5 district court shall send a notice of the income withholding
6 order to the obligor at the time the notice is sent to the payor
7 of income.

8 Sec. 887. Section 252D.18, Code 2023, is amended to read as
9 follows:

10 **252D.18 Modification or termination of withholding.**

11 1. The court or ~~the child~~ support ~~recovery unit~~ services
12 may, by ex parte order, modify a previously entered income
13 withholding order if the court or ~~the unit~~ child support
14 services determines any of the following:

15 a. There has been a change in the amount of the current
16 support obligation.

17 b. The amount required to be withheld under the income
18 withholding order is in error.

19 c. Any past due support debt has been paid in full. Should
20 a delinquency later accrue, the withholding order may be
21 modified to secure payment toward the delinquency.

22 d. There has been a change in the rules adopted by the
23 department pursuant to chapter 17A regarding the amount of
24 income to be withheld to pay a delinquency.

25 2. ~~The child~~ Child support ~~recovery unit~~ services may modify
26 an amount specified in an income withholding order or notice of
27 income withholding by providing notice to the payor of income
28 and the obligor pursuant to sections 252D.17 and 252D.17A.

29 3. The court or ~~the child~~ support ~~recovery unit~~ services
30 may, by ex parte order, terminate an income withholding order
31 when the current support obligation has terminated and when
32 the delinquent support obligation has been fully satisfied
33 as applicable to all of the children covered by the income
34 withholding order. ~~The unit~~ Child support services may, by
35 ex parte order, terminate an income withholding order when

1 ~~the unit~~ child support services will no longer be providing
2 services under chapter 252B, or when another state or foreign
3 country will be providing services under Tit. IV-D of the
4 federal Social Security Act or a comparable law in a foreign
5 country.

6 4. In no case shall payment of overdue support be the sole
7 basis for termination of withholding.

8 Sec. 888. Section 252D.18A, subsections 1 and 4, Code 2023,
9 are amended to read as follows:

10 1. The total of all amounts withheld shall not exceed the
11 amounts specified in 15 U.S.C. §1673(b). For orders or notices
12 issued by ~~the child support recovery unit~~ services, the limit
13 for the amount to be withheld shall be specified in the order
14 or notice.

15 4. The payor shall identify and report payments by the
16 obligor's name, account number, amount, and date withheld
17 pursuant to section 252D.17. If payments for multiple obligees
18 are combined, the portion of the payment attributable to each
19 obligee shall be specifically identified only if the payor is
20 directed to do so by ~~the child support recovery unit~~ services.

21 Sec. 889. Section 252D.18B, Code 2023, is amended to read
22 as follows:

23 **252D.18B Irregular income.**

24 When payment of income is irregular, and an order for
25 immediate or mandatory income withholding has been entered by
26 ~~the child support recovery unit~~ services or the district court,
27 the income payor shall withhold income equal to the total that
28 would have been withheld had there been regular monthly income.
29 The amounts withheld shall not exceed the amounts specified
30 in 15 U.S.C. §1673(b). For the purposes of this section, an
31 income source is irregular when there are periods in excess of
32 one month during which the income payor makes no payment to the
33 obligor and the periods are not the result of termination or
34 suspension of employment.

35 Sec. 890. Section 252D.18C, Code 2023, is amended to read

1 as follows:

2 **252D.18C Withholding from lump sum payments.**

3 ~~The child~~ Child support recovery unit services or the
4 district court may enter an ex parte order for income
5 withholding when the obligor is paid by a lump sum income
6 source. When a sole payment is made or payment occurs at
7 two-month or greater intervals, the withholding order may
8 include all current and delinquent support due through the
9 current month, but shall not exceed the amounts specified in
10 15 U.S.C. §1673(b).

11 Sec. 891. Section 252D.19A, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. If ~~the unit~~ child support services takes an enforcement
14 action during a calendar year against an obligor and the
15 obligor is not delinquent or in arrears solely due to the
16 applicability of this section to the obligor, upon discovering
17 the circumstances, ~~the unit~~ child support services shall
18 promptly discontinue the enforcement action.

19 Sec. 892. Section 252D.20, Code 2023, is amended to read as
20 follows:

21 **252D.20 Administration of income withholding procedures.**

22 ~~The child~~ Child support recovery unit services is designated
23 as the entity of the state to administer income withholding in
24 accordance with the procedures specified for keeping adequate
25 records to document, track, and monitor support payments on
26 cases subject to Tit. IV-D of the federal Social Security
27 Act. The collection services center is designated as the
28 entity for administering income withholding for cases which are
29 not subject to Tit. IV-D. The collection services center's
30 responsibilities for administering income withholding in cases
31 not subject to Tit. IV-D are limited to the receipt, recording,
32 and disbursement of income withholding payments and to
33 responding to requests for information on the current status of
34 support payments pursuant to section 252B.13A. Notwithstanding
35 section 622.53, in cases where the court or ~~the child support~~

1 ~~recovery unit~~ services is enforcing an order of another state
2 or foreign country through income withholding, a certified copy
3 of the underlying judgment is sufficient proof of authenticity.

4 Sec. 893. Section 252D.22, Code 2023, is amended to read as
5 follows:

6 **252D.22 Rules.**

7 The department shall adopt the administrative rules
8 necessary to implement the provisions of this chapter as they
9 pertain to the operations of the child support ~~recovery unit~~
10 services.

11 Sec. 894. Section 252D.23, Code 2023, is amended to read as
12 follows:

13 **252D.23 Filing of withholding order — order effective as**
14 **district court order.**

15 An income withholding order entered by the child support
16 ~~recovery unit~~ services pursuant to this chapter shall be
17 filed with the clerk of the district court. In lieu of any
18 signature on the order which may otherwise be required by law
19 or rule, the order shall have affixed the name and address
20 of the ~~appropriate child support office~~ services. For the
21 purposes of demonstrating compliance by the payor of income,
22 the copy of the withholding order or the notice of the order
23 received, whether or not the copy of the order is file-stamped,
24 shall have all the force, effect, and attributes of a docketed
25 order of the district court including, but not limited to,
26 availability of contempt of court proceedings against a
27 payor of income for noncompliance. However, any information
28 contained in the income withholding order or the notice of the
29 order related to the amount of the accruing or accrued support
30 obligation which does not reflect the correct amount of support
31 due does not modify the underlying support judgment.

32 Sec. 895. Section 252E.1, Code 2023, is amended to read as
33 follows:

34 **252E.1 Definitions.**

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "*Accessible*" means any of the following, unless otherwise
3 provided in the support order:

4 a. The health benefit plan does not have service area
5 limitations or provides an option not subject to service area
6 limitations.

7 b. The health benefit plan has service area limitations and
8 the dependent lives within thirty miles or thirty minutes of a
9 network primary care provider.

10 2. "*Basic coverage*" means health care coverage that at a
11 minimum provides coverage for emergency care, inpatient and
12 outpatient hospital care, physician services whether provided
13 within or outside a hospital setting, and laboratory and x-ray
14 services.

15 3. "*Cash medical support*" means a monetary amount that
16 a parent is ordered to pay to the obligee in lieu of that
17 parent providing health care coverage, which amount is five
18 percent of the gross income of the parent ordered to pay the
19 monetary amount or, if the child support guidelines established
20 pursuant to section 598.21B specifically provide an alternative
21 income-based numeric standard for determining the amount,
22 the amount determined by the standard specified by the child
23 support guidelines. "*Cash medical support*" is an obligation
24 separate from any monetary amount a parent is ordered to pay
25 for uncovered medical expenses pursuant to the guidelines
26 established pursuant to section 598.21B.

27 4. "*Child*" means a person for whom child or medical support
28 may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F,
29 252H, 252K, 598, 600B, or any other chapter of the Code or
30 pursuant to a comparable statute of another state or foreign
31 country.

32 5. "*Child support services*" means child support services
33 created in section 252B.1.

34 ~~5.~~ 6. "*Department*" means the department of health and
35 human services, which includes but is not limited to ~~the~~ child

1 support ~~recovery unit~~ services, or any comparable support
2 enforcement agency of another state.

3 ~~6.~~ 7. "*Dependent*" means a child, or an obligee for whom
4 a court may order health care coverage pursuant to section
5 252E.3.

6 ~~7.~~ 8. "*Enroll*" means to be eligible for and covered by a
7 health benefit plan.

8 ~~8.~~ 9. "*Health benefit plan*" means any policy or contract
9 of insurance, indemnity, subscription, or membership issued
10 by an insurer, health service corporation, health maintenance
11 organization, or any similar corporation or organization, any
12 public coverage, or any self-insured employee benefit plan,
13 for the purpose of covering medical expenses. These expenses
14 may include but are not limited to hospital, surgical, major
15 medical insurance, dental, optical, prescription drugs, office
16 visits, or any combination of these or any other comparable
17 health care expenses.

18 ~~9.~~ 10. "*Health care coverage*" or "*coverage*" means providing
19 and paying for the medical needs of a dependent through a
20 health benefit plan.

21 ~~10.~~ 11. "*Insurer*" means any entity, including a health
22 service corporation, health maintenance organization, or any
23 similar corporation or organization, or an employer offering
24 self-insurance, that provides a health benefit plan, but does
25 not include an entity that provides public coverage.

26 ~~11.~~ 12. "*Medical support*" means either the provision of
27 health care coverage or the payment of cash medical support.
28 "*Medical support*" is not alimony.

29 ~~12.~~ 13. "*National medical support notice*" means a notice
30 as prescribed under 42 U.S.C. §666(a)(19) or a substantially
31 similar notice, that is issued and forwarded by the department
32 in accordance with section 252E.4 to enforce the health care
33 coverage provisions of a support order. The national medical
34 support notice is not applicable to a provider of public
35 coverage.

1 ~~13.~~ 14. "*Obligee*" means a parent or another natural person
2 legally entitled to receive a support payment on behalf of a
3 child.

4 ~~14.~~ 15. "*Obligor*" means a parent or another natural person
5 legally responsible for the support of a dependent.

6 ~~15.~~ 16. "*Order*" means a support order entered pursuant to
7 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any
8 other support chapter, or pursuant to a comparable statute of
9 another state or foreign country, or an ex parte order entered
10 pursuant to section 252E.4. "*Order*" also includes a notice of
11 such an order issued by the department.

12 ~~16.~~ 17. "*Plan administrator*" means the employer or sponsor
13 that offers the health benefit plan or the person to whom the
14 duty of plan administrator is delegated by the employer or
15 sponsor offering the health benefit plan, by written agreement
16 of the parties. "*Plan administrator*" does not include a
17 provider of public coverage.

18 ~~17.~~ 18. "*Primary care provider*" means a physician who
19 provides primary care who is a family or general practitioner,
20 a pediatrician, an internist, an obstetrician, or a
21 gynecologist; an advanced registered nurse practitioner; or a
22 physician assistant.

23 ~~18.~~ 19. "*Public coverage*" means health care benefits
24 provided by any form of federal or state medical assistance,
25 including but not limited to benefits provided under chapter
26 249A or 514I, or under comparable laws of another state,
27 foreign country, or Indian nation or tribe.

28 ~~19. "Unit" or "child support recovery unit" means unit as~~
29 ~~defined in section 252B.1.~~

30 Sec. 896. Section 252E.1A, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. This section shall apply to all initial or modified
33 orders for support entered under chapter 234, 252A, 252C, 252F,
34 252H, 598, 600B, or any other applicable chapter. If an action
35 to establish or modify an order for support is initiated by the

1 child support ~~recovery unit~~ services, section 252E.1B shall
2 also apply.

3 Sec. 897. Section 252E.1B, Code 2023, is amended to read as
4 follows:

5 **252E.1B Establishing and modifying orders for medical support**
6 **— actions initiated by child support ~~recovery unit~~ services.**

7 1. If ~~the~~ child support ~~recovery unit~~ services is initiating
8 an action to establish or modify support, this section shall
9 apply in addition to the provisions of section 252E.1A.

10 2. ~~The unit~~ Child support services shall apply the following
11 order of priority when ~~the unit~~ child support services enters
12 or seeks an order for medical support:

13 a. If the custodial parent is currently providing coverage
14 for the child under a health benefit plan other than public
15 coverage, and the plan is available as described in section
16 252E.1A, subsection 3, ~~the unit~~ child support services shall
17 enter or seek an order for the custodial parent to provide
18 coverage.

19 b. If the noncustodial parent is currently providing
20 coverage for the child under a health benefit plan other than
21 public coverage, and the plan is available as described in
22 section 252E.1A, subsection 3, ~~the unit~~ child support services
23 shall enter or seek an order for the noncustodial parent to
24 provide coverage.

25 c. If a health benefit plan other than public coverage is
26 available as described in section 252E.1A, subsection 3, to the
27 custodial parent, ~~the unit~~ child support services shall enter
28 or seek an order for the custodial parent to provide coverage.

29 d. If a health benefit plan other than public coverage is
30 available as described in section 252E.1A, subsection 3, to
31 the noncustodial parent, ~~the unit~~ child support services shall
32 enter or seek an order for the noncustodial parent to provide
33 coverage.

34 e. If a health benefit plan other than public coverage
35 is not available to either parent, and the custodial parent

1 has public coverage for the child, ~~the unit~~ child support
2 services shall enter or seek an order for the custodial parent
3 to provide health care coverage and shall enter or seek an
4 order for the noncustodial parent to pay cash medical support.
5 However, if any of the circumstances described in section
6 252E.1A, subsection 4, paragraph "a", "b", or "c" is met, ~~the~~
7 unit child support services shall enter or seek an order as
8 specified by the applicable paragraph.

9 3. Notwithstanding subsection 2, if there is an order for
10 joint physical care for the child and the parties subject to
11 the support order, ~~the unit~~ child support services shall apply
12 the following order of priority when ~~the unit~~ child support
13 services enters or seeks an order for medical support:

14 a. If only one parent is currently providing coverage
15 for the child under a health benefit plan other than public
16 coverage, and the plan is available as described in section
17 252E.1A, subsection 3, ~~the unit~~ child support services shall
18 enter or seek an order for that parent to provide coverage.

19 b. If both parents are currently providing coverage for the
20 child under a health benefit plan other than public coverage,
21 and both plans are available as described in section 252E.1A,
22 subsection 3, ~~the unit~~ child support services shall enter or
23 seek an order for both parents to provide coverage.

24 c. If neither parent is currently providing coverage
25 for the child under a health benefit plan other than public
26 coverage, and a health benefit plan other than public coverage
27 is available as described in section 252E.1A, subsection 3, to
28 one parent, ~~the unit~~ child support services shall enter or seek
29 an order for that parent to provide coverage.

30 d. If neither parent is currently providing coverage
31 for the child under a health benefit plan other than public
32 coverage, and a health benefit plan other than public coverage
33 is available as described in section 252E.1A, subsection 3, to
34 both parents, ~~the unit~~ child support services shall enter or
35 seek an order for both parents to provide coverage.

1 e. If a health benefit plan other than public coverage
2 is not available to either parent and one parent has public
3 coverage for the child, ~~the unit~~ child support services shall
4 enter or seek an order for that parent to provide health care
5 coverage.

6 4. ~~The child~~ Child support recovery unit services or the
7 court shall not order any modification to an existing medical
8 support order in a proceeding conducted solely pursuant to
9 chapter 252H, subchapter IV.

10 Sec. 898. Section 252E.2, subsection 2, paragraph a, Code
11 2023, is amended to read as follows:

12 a. The name and the last known mailing address of the
13 participant and the name and mailing address of each child
14 covered by the order except that, to the extent provided in
15 the order, the name and mailing address of ~~an official of the~~
16 department may be substituted for the mailing address of the
17 child.

18 Sec. 899. Section 252E.2A, Code 2023, is amended to read as
19 follows:

20 **252E.2A Satisfaction of medical support order.**

21 This section shall apply if ~~the child support recovery unit~~
22 services is providing services under chapter 252B.

23 1. Notwithstanding any law to the contrary and without
24 a court order, a medical support order for a child shall be
25 deemed satisfied with regard to the department, the child, the
26 obligor, and the obligee for the period during which all of the
27 following conditions are met:

28 a. The order is issued under any applicable chapter of the
29 Code.

30 b. ~~The unit~~ Child support services is notified that the
31 conditions of paragraph "c" are met and the parent ordered to
32 provide medical support submits a written statement to ~~the unit~~
33 child support services that the requirements of paragraph "c"
34 are met.

35 c. The parent ordered to provide medical support meets at

1 least one of the following conditions:

2 (1) The parent is an inmate of an institution under the
3 control of the department of corrections or a comparable
4 institution in another state.

5 (2) The parent's monthly child support obligation under
6 the guidelines established pursuant to section 598.21B is the
7 minimum obligation amount.

8 (3) The parent is a recipient of assistance under chapter
9 239B or 249A, or under comparable laws of another state.

10 (4) The parent is residing with any child for whom the
11 parent is legally responsible and that child is a recipient
12 of assistance under chapter 239B, 249A, or 514I, or under
13 comparable laws of another state. For purposes of this
14 subparagraph, "*legally responsible*" means the parent has a legal
15 obligation to the child as specified in Iowa court rule 9.7 of
16 the child support guidelines.

17 ~~d. The unit~~ Child support services files a notice of
18 satisfaction with the clerk of the district court. The
19 effective date of the satisfaction shall be stated in the
20 notice and the effective date shall be no later than forty-five
21 days after ~~the unit~~ child support services issues the notice of
22 satisfaction.

23 2. If a medical support order is satisfied under subsection
24 1, the satisfaction shall continue until all of the following
25 apply:

26 *a.* ~~The unit~~ Child support services is notified that none of
27 the conditions specified in subsection 1, paragraph "c", still
28 applies.

29 *b.* ~~The unit~~ Child support services files a satisfaction
30 termination notice that the requirements for a satisfaction
31 under this section no longer apply. The effective date shall
32 be stated in the satisfaction termination notice and the
33 effective date shall be no later than forty-five days after ~~the~~
34 unit child support services issues the satisfaction termination
35 notice.

1 3. ~~The unit~~ Child support services shall mail a copy of the
2 notice of satisfaction and the satisfaction termination notice
3 to the last known address of the obligor and obligee.

4 4. The department ~~of human services~~ may match data for
5 enrollees of the ~~hawk-i~~ Hawki program created pursuant to
6 chapter 514I with data of ~~the unit~~ child support services to
7 assist ~~the unit~~ child support services in implementing this
8 section.

9 5. An order, decree, or judgment entered or pending on or
10 before July 1, 2009, that provides for the support of a child
11 may be satisfied as provided in this section.

12 Sec. 900. Section 252E.4, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. When a support order requires an obligor to provide
15 coverage under a health benefit plan other than public
16 coverage, the district court or the department may enter an
17 ex parte order directing an employer to take all actions
18 necessary to enroll an obligor's dependent for coverage under
19 a health benefit plan or may include the provisions in an ex
20 parte income withholding order or notice of income withholding
21 pursuant to chapter 252D. ~~The child~~ Child support ~~recovery~~
22 ~~unit~~ services, where appropriate, shall issue a national
23 medical support notice to an employer within two business days
24 after the date information regarding a newly hired employee is
25 entered into the centralized employee registry and matched with
26 a noncustodial parent in the case being enforced by ~~the unit~~
27 child support services, or upon receipt of other employment
28 information for such parent. The department may amend the
29 information in the ex parte order or may amend or terminate
30 the national medical support notice regarding health insurance
31 provisions if necessary to comply with health insurance
32 requirements including but not limited to the provisions of
33 section 252E.2, subsection 2, or to correct a mistake of fact.

34 Sec. 901. Section 252E.5, subsection 8, paragraph g,
35 subparagraph (3), Code 2023, is amended to read as follows:

1 (3) If the obligor is not enrolled in a health benefit
 2 plan or is not enrolled in a health benefit plan that offers
 3 dependent coverage, if more than one plan with dependent
 4 coverage is offered by the employer, and if the notice is
 5 issued by ~~the child support recovery unit~~ services, all of the
 6 following shall apply:

7 (a) If only one of the plans is accessible to the dependent,
 8 that plan shall be selected. If none of the plans with
 9 dependent coverage is accessible to the dependent, ~~the unit~~
 10 child support services shall amend or terminate the notice.

11 (b) If more than one of the plans is accessible to the
 12 dependent, the plan selected shall be the plan that provides
 13 basic coverage for which the employee's share of the premium
 14 is lowest.

15 (c) If more than one of the plans is accessible to the
 16 dependent but none of the accessible plans provides basic
 17 coverage, the plan selected shall be a plan that is accessible
 18 and for which the employee's share of the premium is lowest.

19 (d) If the employee's share of the premiums is the same
 20 under all plans described in subparagraph (b) or (c), ~~the~~
 21 unit child support services shall attempt to consult with the
 22 obligee when selecting the plan. If the obligee does not
 23 respond within ten days of ~~the unit's~~ child support services'
 24 attempt, ~~the unit~~ child support services shall select a plan
 25 which shall be the plan's default option, if any, or the plan
 26 with the lowest deductibles and copayment requirements.

27 Sec. 902. Section 252E.5, subsection 8, paragraph h,
 28 subparagraph (2), Code 2023, is amended to read as follows:

29 (2) If the dependent is or is to be enrolled, notify the
 30 obligor, the obligee, and the child and furnish the obligee
 31 with necessary information. Provide ~~the child support recovery~~
 32 unit services with the type of health benefit plan under which
 33 the dependent has been enrolled, including whether dental,
 34 optical, office visits, and prescription drugs are covered
 35 services.

1 Sec. 903. Section 252E.6A, subsections 1 and 3, Code 2023,
2 are amended to read as follows:

3 1. An obligor may move to quash the order to the employer
4 under section 252E.4 by following the same procedures and
5 alleging a mistake of a fact as provided in section 252D.31
6 or as provided in subsection 2. If ~~the unit~~ child support
7 services is enforcing an income withholding order and a medical
8 support order simultaneously, any challenge to the income
9 withholding order and medical support enforcement shall be
10 filed and heard simultaneously.

11 3. The employer shall comply with the requirements of this
12 chapter until the employer receives notice that a motion to
13 quash has been granted, or that ~~the unit~~ child support services
14 has amended or terminated the national medical support notice.

15 Sec. 904. Section 252F.1, Code 2023, is amended to read as
16 follows:

17 **252F.1 Definitions.**

18 As used in this chapter unless the context otherwise
19 requires:

20 ~~1. "Administrator" means the administrator of the child~~
21 ~~support recovery unit of the department of human services or~~
22 ~~the administrator's designee.~~

23 ~~2.~~ 1. "Child" means a person who is less than age eighteen
24 or a person who is age eighteen but less than age nineteen
25 and is engaged full-time in completing high school graduation
26 or equivalency requirements in a manner which is reasonably
27 expected to result in completion of the requirements prior to
28 the person reaching age nineteen.

29 2. "Child support services" means the same as child support
30 services created in section 252B.2.

31 3. "Department" means the department of health and human
32 services.

33 4. "Director" means the director of health and human
34 services.

35 ~~3.~~ 5. "Mother" means a mother of the child for whom

1 paternity is being established.

2 ~~4.~~ 6. "*Party*" means a putative father or a mother, as named
3 in an action.

4 ~~5.~~ 7. "*Paternity is at issue*" means any of the following
5 conditions:

6 *a.* A child was not born or conceived within marriage.

7 *b.* A child was born or conceived within marriage but a court
8 has declared that the child is not the issue of the marriage.

9 ~~6.~~ 8. "*Paternity test*" means and includes any form of
10 blood, tissue, or genetic testing administered to determine the
11 biological father of a child.

12 ~~7.~~ 9. "*Putative father*" means a person alleged to be the
13 biological father of a child.

14 ~~8.~~ "*Unit*" means the child support recovery unit created in
15 ~~section 252B.2.~~

16 Sec. 905. Section 252F.2, Code 2023, is amended to read as
17 follows:

18 **252F.2 Jurisdiction.**

19 1. In any case in which ~~the unit~~ child support services
20 is providing services pursuant to chapter 252B and paternity
21 is at issue, proceedings may be initiated by ~~the unit~~ child
22 support services pursuant to this chapter for the sole purpose
23 of establishing paternity and any accrued or accruing child
24 support or medical support obligations. Proceedings under
25 this chapter are in addition to other means of establishing
26 paternity or support. Issues in addition to establishment of
27 paternity or support obligations shall not be addressed in
28 proceedings initiated under this chapter.

29 2. An action to establish paternity and support under this
30 chapter may be brought within the time limitations set forth
31 in section 614.8.

32 Sec. 906. Section 252F.3, Code 2023, is amended to read as
33 follows:

34 **252F.3 Notice of alleged paternity and support debt —**
35 **conference — request for hearing.**

1 1. ~~The unit~~ Child support services may prepare a notice
2 of alleged paternity and support debt to be served on a
3 party if the mother of the child or a government official
4 with knowledge of the circumstances of possible paternity
5 relying on government records provides a written statement
6 to the department of ~~human services~~ certifying in accordance
7 with section 622.1 that the putative father is or may be the
8 biological father of the child or children involved. The
9 notice shall be accompanied by a copy of the statement and
10 served on the putative father in accordance with rule of civil
11 procedure 1.305. Service upon the mother shall not constitute
12 valid service upon the putative father. The notice shall
13 include or be accompanied by all of the following:

14 a. The name of the recipient of services under chapter 252B
15 and the name and birth date of the child or children involved.

16 b. A statement that the putative father has been named as
17 the biological father of the child or children named.

18 c. A statement that if paternity is established, the
19 amount of the putative father's monthly support obligation
20 and the amount of the support debt accrued and accruing will
21 be established in accordance with the guidelines established
22 in section 598.21B, and the criteria established pursuant to
23 section 252B.7A.

24 d. A statement that if paternity is established, a party has
25 a duty to provide accrued and accruing medical support to the
26 child or children in accordance with chapter 252E.

27 e. A written explanation of the procedures for determining
28 the child support obligation and a request for financial or
29 income information as necessary for application of the child
30 support guidelines established pursuant to section 598.21B.

31 f. (1) The right of a party to request a conference
32 with ~~the unit~~ child support services to discuss paternity
33 establishment and the amount of support that a party may be
34 required to provide, within ten days of the date of service of
35 the original notice or, if paternity is contested and paternity

1 testing is conducted, within ten days of the date the paternity
2 test results are issued or mailed to a party by ~~the unit~~ child
3 support services.

4 (2) A statement that if a conference is requested, a party
5 shall have one of the following time frames, whichever is the
6 latest, to send a written request for a court hearing on the
7 issue of support to ~~the unit~~ child support services:

8 (a) Ten days from the date set for the conference.

9 (b) Twenty days from the date of service of the original
10 notice.

11 (c) If paternity was contested and paternity testing
12 was conducted, and a party does not deny paternity after the
13 testing or challenge the paternity test results, twenty days
14 from the date paternity test results are issued or mailed by
15 ~~the unit~~ child support services to the party.

16 (3) A statement that after the holding of the conference,
17 ~~the unit~~ child support services shall issue a new notice of
18 alleged paternity and finding of financial responsibility for
19 child support or medical support, or both, to be provided in
20 person to each party or sent to each party by regular mail
21 addressed to the party's last known address or, if applicable,
22 to the last known address of the party's attorney.

23 (4) A statement that if ~~the unit~~ child support services
24 issues a new notice of alleged paternity and finding of
25 financial responsibility for child support or medical support,
26 or both, a party shall have one of the following time frames,
27 whichever is the latest, to send a written request for a court
28 hearing on the issue of support to ~~the unit~~ child support
29 services:

30 (a) Ten days from the date of issuance of the new notice.

31 (b) Twenty days from the date of service of the original
32 notice.

33 (c) If paternity was contested and paternity testing
34 conducted, and a party does not deny paternity after the
35 testing or challenge the paternity test results, twenty days

1 from the date the paternity test results are issued or mailed
2 to the party by ~~the unit~~ child support services.

3 *g.* A statement that if a conference is not requested, and
4 a party does not deny paternity or challenge the results of
5 any paternity testing conducted but objects to the finding
6 of financial responsibility or the amount of child support
7 or medical support, or both, the party shall send a written
8 request for a court hearing on the issue of support to ~~the~~
9 unit child support services within twenty days of the date of
10 service of the original notice, or, if paternity was contested
11 and paternity testing conducted, and a party does not deny
12 paternity after the testing or challenge the paternity test
13 results, within twenty days from the date the paternity test
14 results are issued or mailed to the party by ~~the unit~~ child
15 support services, whichever is later.

16 *h.* A statement that if a timely written request for a
17 hearing on the issue of support is received by ~~the unit~~
18 child support services, the party shall have the right to a
19 hearing to be held in district court and that if no timely
20 written request is received and paternity is not contested,
21 the ~~administrator~~ department shall enter an order establishing
22 the putative father as the father of the child or children and
23 establishing child support or medical support, or both, in
24 accordance with the notice of alleged paternity and support
25 debt.

26 *i.* A written explanation of the rights and responsibilities
27 associated with the establishment of paternity.

28 *j.* A written explanation of a party's right to deny
29 paternity, the procedures for denying paternity, and the
30 consequences of the denial.

31 *k.* A statement that if a party contests paternity, the party
32 shall have twenty days from the date of service of the original
33 notice to submit a written denial of paternity to ~~the unit~~
34 child support services.

35 *l.* A statement that if paternity is contested, ~~the unit~~

1 child support services shall, at the request of the party
2 contesting paternity or on its own initiative, enter an
3 administrative order requiring the putative father, mother, and
4 child or children involved, to submit to paternity testing.

5 *m.* A statement that if paternity tests are conducted, ~~the~~
6 unit child support services shall provide a copy of the test
7 results to each party in person or send a copy to each party
8 by regular mail, addressed to the party's last known address,
9 or, if applicable, to the last known address of the party's
10 attorney.

11 *n.* A statement setting forth the time frames for contesting
12 paternity after paternity tests are conducted.

13 *o.* Other information as ~~the unit~~ child support services
14 finds appropriate.

15 2. The time limitations established for the notice
16 provisions under subsection 1 are binding unless otherwise
17 specified in this chapter or waived pursuant to section 252F.8.

18 3. *a.* If notice is served on a party, ~~the unit~~ child
19 support services shall file a true copy of the notice and the
20 original return of service with the appropriate clerk of the
21 district court as follows:

22 (1) In the county in which the child or children reside if
23 the action is for purposes of establishing paternity and future
24 child or medical support, or both.

25 (2) In the county in which the child or children involved
26 last received public assistance benefits in the state, if
27 the action is for purposes of establishing paternity and
28 child or medical support, or both, only for prior periods of
29 time when the child or children received public assistance,
30 and no ongoing child or medical support obligation is to be
31 established by this action.

32 (3) If the action is the result of a request from another
33 state or foreign country to establish paternity of a putative
34 father located in Iowa, in the county in which the putative
35 father resides.

1 **b.** All subsequent documents filed or court hearings held
2 related to the action shall be in the district court in the
3 county in which notice was filed pursuant to this subsection.
4 The clerk shall file and docket the action.

5 **4.** A party or ~~the child support recovery unit~~ services may
6 request a court hearing regarding establishment of paternity or
7 a determination of support, or both.

8 **a.** Upon receipt of a timely written response requesting
9 a hearing or on its own initiative, ~~the unit~~ child support
10 services shall certify the matter for hearing in the district
11 court in the county where the original notice of alleged
12 paternity and support debt is filed, in accordance with section
13 252F.5.

14 **b.** If paternity establishment was contested and paternity
15 tests conducted, a court hearing on the issue of paternity
16 shall be held no earlier than thirty days from the date
17 paternity test results are issued to all parties by ~~the unit~~
18 child support services, unless the parties mutually agree to
19 waive the time frame pursuant to section 252F.8.

20 **c.** Any objection to the results of paternity tests shall be
21 filed no later than twenty days after the date paternity test
22 results are issued or mailed to each party by ~~the unit~~ child
23 support services. Any objection to paternity test results
24 filed by a party more than twenty days after the date paternity
25 tests are issued or mailed to the party by ~~the unit~~ child
26 support services shall not be accepted or considered by the
27 court.

28 **5.** If a timely written response and request for a court
29 hearing is not received by ~~the unit~~ child support services and
30 a party does not deny paternity, the ~~administrator~~ department
31 shall enter an order in accordance with section 252F.4.

32 **6. a.** If a party contests the establishment of paternity,
33 the party shall submit, within twenty days of service of the
34 notice on the party under subsection 1, a written statement
35 contesting paternity establishment to ~~the unit~~ child support

1 services. Upon receipt of a written challenge of paternity
2 establishment, or upon initiation by ~~the unit~~ child support
3 services, the ~~administrator~~ department shall enter ex parte
4 administrative orders requiring the mother, child or children
5 involved, and the putative father to submit to paternity
6 testing, except that if the mother and child or children
7 previously submitted blood or genetic specimens in a prior
8 action to establish paternity against a different putative
9 father, the previously submitted specimens and prior results,
10 if available, may be utilized for testing in this action.
11 Either the mother or putative father may contest paternity
12 under this chapter.

13 *b.* The orders shall be filed with the clerk of the district
14 court in the county where the notice was filed and have the
15 same force and effect as a court order for paternity testing.

16 *c.* ~~The unit~~ Child support services shall issue copies of the
17 respective administrative orders for paternity testing to the
18 mother and putative father in person, or by regular mail to the
19 last known address of each, or if applicable, to the last known
20 address of the attorney for each.

21 *d.* If a paternity test is ordered under this section,
22 the ~~administrator~~ department shall direct that inherited
23 characteristics be analyzed and interpreted, and shall appoint
24 an expert qualified as an examiner of genetic markers to
25 analyze and interpret the results. The test shall be of a type
26 generally acknowledged as reliable by accreditation entities
27 designated by the secretary of the United States department
28 of health and human services and shall be performed by a
29 laboratory approved by an accreditation entity.

30 *e.* The party contesting paternity shall be provided one
31 opportunity to reschedule the paternity testing appointment if
32 the testing is rescheduled prior to the date of the originally
33 scheduled appointment.

34 *f.* An original copy of the test results shall be filed with
35 the clerk of the district court in the county where the notice

1 was filed. ~~The child~~ Child support recovery unit services
2 shall issue a copy of the filed test results to each party in
3 person, or by regular mail to the last known address of each,
4 or if applicable, to the last known address of the attorney
5 for each. However, if the action is the result of a request
6 from another state or foreign country, ~~the unit~~ child support
7 services shall issue a copy of the results to the initiating
8 agency in that jurisdiction.

9 *g.* Verified documentation of the chain of custody of the
10 blood or genetic specimens is competent evidence to establish
11 the chain of custody. The testimony of the appointed expert is
12 not required. A verified expert's report of test results which
13 indicate a statistical probability of paternity is sufficient
14 authenticity of the expert's conclusion.

15 *h.* A verified expert's report shall be admitted as evidence
16 to establish administrative paternity, and, if a court hearing
17 is scheduled to resolve the issue of paternity, shall be
18 admitted as evidence and is admissible at trial.

19 *i.* If the verified expert concludes that the test results
20 show that the putative father is not excluded and that the
21 probability of the putative father's paternity is ninety-five
22 percent or higher, there shall be a rebuttable presumption that
23 the putative father is the biological father, and the evidence
24 shall be sufficient as a basis for administrative establishment
25 of paternity.

26 (1) In order to challenge the presumption of paternity, a
27 party shall file a written notice of the challenge with the
28 district court within twenty days from the date the paternity
29 test results are issued or mailed to all parties by ~~the unit~~
30 child support services. Any challenge to a presumption of
31 paternity resulting from paternity tests, or to paternity test
32 results filed after the lapse of the twenty-day time frame
33 shall not be accepted or admissible by ~~the unit~~ child support
34 services or the court.

35 (2) A copy of the notice challenging the presumption of

1 paternity shall be provided to any other party in person, or
2 by mailing the notice to the last known address of each party,
3 or if applicable, to the last known address of each party's
4 attorney.

5 (3) The party challenging the presumption of paternity
6 has the burden of proving that the putative father is not the
7 father of the child.

8 (4) The presumption of paternity may be rebutted only by
9 clear and convincing evidence.

10 *j.* If the verified expert concludes that the test results
11 indicate that the putative father is not excluded and that
12 the probability of the putative father's paternity is less
13 than ninety-five percent, the ~~administrator~~ department shall
14 order a subsequent administrative paternity test or certify the
15 case to the district court for resolution in accordance with
16 the procedures and time frames specified in paragraph "i" and
17 section 252F.5.

18 *k.* If the results of the test or the verified expert's
19 analysis are timely challenged as provided in this subsection,
20 the ~~administrator~~ department, upon the request of a party
21 and advance payment by the contestant or upon the ~~unit's own~~
22 initiative of child support services, shall order that an
23 additional test be performed by the same laboratory or an
24 independent laboratory. If the party requesting additional
25 testing does not advance payment, the ~~administrator~~ department
26 shall certify the case to the district court in accordance with
27 paragraph "i" and section 252F.5.

28 *l.* When a subsequent paternity test is conducted, the time
29 frames in this chapter associated with paternity tests shall
30 apply to the most recently completed test.

31 *m.* If the paternity test results exclude the putative father
32 as a potential biological father of the child or children,
33 and additional tests are not requested by either party or
34 conducted on the ~~unit's~~ initiative of child support services,
35 or if additional tests exclude the putative father as a

1 potential biological father, ~~the unit~~ child support services
2 shall withdraw its action against the putative father and
3 shall file a notice of the withdrawal with the clerk of the
4 district court, and shall provide a copy of the notice to each
5 party in person, or by regular mail sent to each party's last
6 known address, or if applicable, the last known address of the
7 party's attorney.

8 *n.* Except as provided in paragraph "*k*", ~~the unit~~ child
9 support services shall advance the costs of genetic testing.
10 If paternity is established and paternity testing was
11 conducted, ~~the unit~~ child support services shall enter an order
12 or, if the action proceeded to a court hearing, request that
13 the court enter a judgment for the costs of the paternity tests
14 consistent with applicable federal law. In a proceeding under
15 this chapter, a copy of a bill for genetic testing shall be
16 admitted as evidence without requiring third-party foundation
17 testimony and shall constitute prima facie evidence of the
18 amount incurred for genetic testing.

19 Sec. 907. Section 252F.4, Code 2023, is amended to read as
20 follows:

21 **252F.4 Entry of order.**

22 1. If each party fails to respond to the initial notice
23 within twenty days after the date of service of the notice or
24 fails to appear at a conference pursuant to section 252F.3 on
25 the scheduled date of the conference, and paternity has not
26 been contested and each party fails to timely request a court
27 hearing on the issue of support, the ~~administrator~~ department
28 shall enter an order against the parties, declaring the
29 putative father to be the legal father of the child or children
30 involved and assessing any accrued and accruing child support
31 obligation pursuant to the guidelines established under section
32 598.21B, and medical support pursuant to chapter 252E.

33 2. If paternity is contested pursuant to section 252F.3,
34 subsection 6, and the party contesting paternity fails to
35 appear for a paternity test and fails to request a rescheduling

1 pursuant to section 252F.3, or fails to appear for both the
2 initial and the rescheduled paternity tests and each party
3 fails to timely request a court hearing on the issue of
4 support, the ~~administrator~~ department shall enter an order
5 against the parties declaring the putative father to be the
6 legal father of the child or children involved and assessing
7 any accrued and accruing child support obligation pursuant to
8 the guidelines established under section 598.21B, and medical
9 support pursuant to chapter 252E.

10 3. If a conference pursuant to section 252F.3 is held,
11 and paternity is not contested, and each party fails to
12 timely request a court hearing on the issue of support, the
13 ~~administrator~~ department shall enter an order against the
14 parties after the second notice has been sent declaring the
15 putative father to be the legal father of the child or children
16 involved and assessing any accrued and accruing child support
17 obligation pursuant to the guidelines established under section
18 598.21B, and medical support pursuant to chapter 252E.

19 4. If paternity was contested and paternity testing was
20 performed and the putative father was not excluded, if the
21 test results indicate that the probability of the putative
22 father's paternity is ninety-five percent or greater, if the
23 test results are not timely challenged, and if each party fails
24 to timely request a court hearing on the issue of support,
25 the ~~administrator~~ department shall enter an order against the
26 parties declaring the putative father to be the legal father of
27 the child or children involved and assessing any accrued and
28 accruing child support obligation pursuant to the guidelines
29 established under section 598.21B, and medical support pursuant
30 to chapter 252E.

31 5. The ~~administrator~~ department shall establish a support
32 obligation under this section based upon the best information
33 available to ~~the unit~~ child support services and pursuant to
34 section 252B.7A.

35 6. The order shall contain all of the following:

- 1 *a.* A declaration of paternity.
- 2 *b.* The amount of monthly support to be paid, with direction
- 3 as to the manner of payment.
- 4 *c.* The amount of accrued support.
- 5 *d.* The name of the custodial parent or caretaker.
- 6 *e.* The name and birth date of the child or children to whom
- 7 the order applies.
- 8 *f.* A statement that property of a party ordered to provide
- 9 support is subject to income withholding, liens, garnishment,
- 10 tax offset, and other collection actions.
- 11 *g.* The medical support required pursuant to chapter 598 and
- 12 chapter 252E.
- 13 *h.* A statement that a party who is ordered to provide
- 14 support is required to inform ~~the child support recovery unit~~
- 15 services, on a continuing basis, of the name and address of
- 16 the party's current employer, whether the party has access to
- 17 health insurance coverage as required in the order, and if so,
- 18 the health insurance policy information.
- 19 *i.* If paternity was contested by the putative father, the
- 20 amount of any judgment assessed to the father for costs of
- 21 paternity tests conducted pursuant to this chapter.
- 22 *j.* Statements as required pursuant to section 598.22B.
- 23 7. If paternity is not contested but a party does wish
- 24 to challenge the issues of child or medical support, the
- 25 ~~administrator~~ department shall enter an order establishing
- 26 paternity and reserving the issues of child or medical support
- 27 for determination by the district court.
- 28 Sec. 908. Section 252F.5, Code 2023, is amended to read as
- 29 follows:
- 30 **252F.5 Certification to district court.**
- 31 1. Actions initiated under this chapter are not subject
- 32 to contested case proceedings or further review pursuant to
- 33 chapter 17A.
- 34 2. An action under this chapter may be certified to
- 35 the district court if a party timely contests paternity

1 establishment or paternity test results, or if a party requests
2 a court hearing on the issues of child or medical support, or
3 both, or upon the initiation of ~~the unit~~ child support services
4 as provided in this chapter. Review by the district court
5 shall be an original hearing before the court.

6 3. In any action brought under this chapter, the action
7 shall not be certified to the district court in a contested
8 paternity action unless all of the following have occurred:

9 a. Paternity testing has been completed.

10 b. The results of the paternity test have been issued to all
11 parties.

12 c. A timely written objection to paternity establishment
13 or paternity test results has been received from a party, or
14 a timely written request for a court hearing on the issue
15 of support has been received from a party by ~~the unit~~ child
16 support services, or ~~the unit~~ child support services has
17 requested a court hearing on ~~the unit's~~ child support services'
18 own initiative.

19 4. A matter shall be certified to the district court in
20 the county in which the notice was filed pursuant to section
21 252F.3, subsection 3.

22 5. The court shall set the matter for hearing and notify the
23 parties of the time of and place for hearing.

24 6. If the court determines that the putative father is
25 the legal father, the court shall establish the amount of the
26 accrued and accruing child support pursuant to the guidelines
27 established under section 598.21B, and shall establish medical
28 support pursuant to chapter 252E.

29 7. If the putative father or another party contesting
30 paternity fails to appear at the hearing, upon a showing
31 that proper notice has been provided to the party, the court
32 shall find the party in default and enter an appropriate order
33 establishing paternity and support.

34 Sec. 909. Section 252F.6, Code 2023, is amended to read as
35 follows:

1 **252F.6 Filing with the district court.**

2 Following issuance of an order by the ~~administrator~~
 3 department, the order shall be presented to an appropriate
 4 district court judge for review and approval. Unless a defect
 5 appears on the face of the order, the district court shall
 6 approve the order. Upon approval by the district court judge,
 7 the order shall be filed in the district court in the county
 8 in which the notice was filed pursuant to section 252F.3,
 9 subsection 3. Upon filing, the order has the same force and
 10 effect as a district court order.

11 Sec. 910. Section 252F.7, Code 2023, is amended to read as
 12 follows:

13 **252F.7 Report to state registrar of vital records statistics.**

14 Upon the filing of an order with the district court pursuant
 15 to this chapter, the clerk of the district court shall report
 16 the information from the order to the ~~bureau of~~ state registrar
 17 of vital records statistics in the manner provided in section
 18 600B.36.

19 Sec. 911. Section 252F.8, Code 2023, is amended to read as
 20 follows:

21 **252F.8 Waiver of time limitations.**

22 1. A putative father or other party may waive the time
 23 limitations established in this chapter.

24 2. If a party does not contest paternity or wish to request
 25 a conference or court hearing on the issue of support, upon
 26 receipt of a signed statement from the putative father and
 27 any other party that may contest establishment of paternity,
 28 waiving the time limitations, the ~~administrator~~ department
 29 shall enter an order establishing paternity and support and the
 30 court may approve the order, notwithstanding the expiration of
 31 the period of the time limitations if paternity is established.

32 3. If a putative father or other party waives the time
 33 limitations and an order establishing paternity or determining
 34 support, or both, is entered under this chapter, the signed
 35 statement of the putative father and other party waiving the

1 time limitations shall be filed with the order.

2 Sec. 912. Section 252G.1, Code 2023, is amended to read as
3 follows:

4 **252G.1 Definitions.**

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Business day*" means a day on which state offices are
8 open for regular business.

9 2. "*Child support services*" means child support services
10 created in section 252B.2.

11 ~~2.~~ 3. "*Compensation*" means payment owed by the payor of
12 income for:

13 a. Labor or services rendered by an employee or contractor
14 to the payor of income.

15 b. Benefits including, but not limited to, vacation,
16 holiday, and sick leave, and severance payments which are due
17 an employee under an agreement with the employer or under a
18 policy of the employer.

19 ~~3.~~ 4. "*Contractor*" means a natural person who is eighteen
20 years of age or older, who performs labor in this state to
21 whom a payor of income makes payments which are not subject to
22 withholding and for whom the payor of income is required by the
23 internal revenue service to complete a 1099-MISC form.

24 ~~4.~~ 5. "*Date of hire*" means either of the following:

25 a. The first day for which an employee is owed compensation
26 by the payor of income.

27 b. The first day that a contractor performs labor or
28 services for the payor of income.

29 ~~5.~~ 6. "*Days*" means calendar days.

30 ~~6.~~ 7. "*Department*" means the department of health and human
31 services.

32 ~~7.~~ 8. "*Dependent*" includes a spouse or child or any other
33 person who is in need of and entitled to support from a person
34 who is declared to be legally liable for the support of that
35 dependent.

1 ~~8.~~ 9. "*Employee*" means a natural person who performs labor
 2 in this state and is employed by an employer in this state for
 3 compensation and for whom the employer withholds federal or
 4 state tax liabilities from the employee's compensation.

5 ~~9.~~ 10. "*Employer*" means a person doing business in this
 6 state who engages an employee for compensation and for whom the
 7 employer withholds federal or state tax liabilities from the
 8 employee's compensation. "*Employer*" includes any governmental
 9 entity and any labor organization.

10 ~~10.~~ 11. "*Labor organization*" means any organization of
 11 any kind, or any agency, or employee representation committee
 12 or plan, in which employees participate and which exists for
 13 the purpose, in whole or in part, of dealing with employers
 14 concerning grievances, labor disputes, wages, rates of pay,
 15 hours of employment, or conditions of work.

16 ~~11.~~ 12. "*Natural person*" means an individual and not a
 17 corporation, government, business trust, estate, partnership,
 18 proprietorship, or other legal entity, however organized.

19 ~~12.~~ 13. "*Payor of income*" includes both an employer and a
 20 person engaged in a trade or business in this state who engages
 21 a contractor for compensation.

22 ~~13.~~ 14. "*Registry*" means the central employee registry
 23 created in section 252G.2.

24 ~~14.~~ 15. "*Rehire*" means the first day for which an employee
 25 is owed compensation by the payor of income following a
 26 termination of employment lasting a minimum of six consecutive
 27 weeks. Termination of employment does not include temporary
 28 separations from employment such as unpaid medical leave, an
 29 unpaid leave of absence, or a temporary layoff.

30 ~~15. "*Unit*" means the child support recovery unit created in~~
 31 ~~section 252B.2.~~

32 Sec. 913. Section 252G.2, Code 2023, is amended to read as
 33 follows:

34 **252G.2 Establishment of central employee registry.**

35 ~~By January 1, 1994, the unit~~ Child support services shall

1 establish a centralized employee registry database for the
 2 purpose of receiving and maintaining information on newly hired
 3 or rehired employees from employers. ~~The unit~~ Child support
 4 services shall establish the database and the department may
 5 adopt rules in conjunction with the department of revenue and
 6 the department of workforce development to identify appropriate
 7 uses of the registry and to implement this chapter, including
 8 implementation through the entering of agreements pursuant to
 9 chapter 28E.

10 Sec. 914. Section 252G.3, subsection 3, paragraphs b and d,
 11 Code 2023, are amended to read as follows:

12 b. By submitting electronic media in a format approved by
 13 ~~the unit~~ child support services in advance.

14 d. By any other means authorized by ~~the unit~~ child support
 15 services in advance if the means will result in timely
 16 reporting.

17 Sec. 915. Section 252G.4, subsection 1, paragraph a,
 18 unnumbered paragraph 1, Code 2023, is amended to read as
 19 follows:

20 ~~Beginning January 1, 1994, a~~ A payor of income to whom
 21 section 252G.3 is inapplicable, who enters into an agreement
 22 for the performance of services with a contractor, shall report
 23 the contractor to the registry. Payors of income shall report
 24 contractors performing labor under an agreement within fifteen
 25 days of the date on which all of the following conditions are
 26 met:

27 Sec. 916. Section 252G.4, subsection 3, Code 2023, is
 28 amended to read as follows:

29 3. A payor of income required to report under this section
 30 may report the information required under subsection 1 by any
 31 written means authorized by ~~the unit~~ child support services
 32 which results in timely reporting.

33 Sec. 917. Section 252G.5, subsection 1, Code 2023, is
 34 amended to read as follows:

35 1. ~~The unit~~ Child support services for program

1 ~~administration of the child support enforcement program,~~
2 including but not limited to activities related to
3 establishment and enforcement of child and medical support
4 obligations through administrative or judicial processes, and
5 other services authorized pursuant to chapter 252B.

6 Sec. 918. Section 252G.7, Code 2023, is amended to read as
7 follows:

8 **252G.7 Data entry and transmitting centralized employee**
9 **registry records to the national new hire registry.**

10 ~~The unit~~ Child support services shall enter new hire data
11 into the centralized employee directory database within five
12 business days of receipt from employers and shall transmit the
13 records of the centralized employee registry to the national
14 directory of new hires within three business days after the
15 date information regarding a newly hired employee is entered
16 into the centralized employee registry.

17 Sec. 919. Section 252G.8, Code 2023, is amended to read as
18 follows:

19 **252G.8 Income withholding requirements.**

20 Within two business days after the date information
21 regarding a newly hired employee is entered into the
22 centralized employee registry and matched with obligors in
23 cases being enforced by ~~the unit~~ child support services, ~~the~~
24 ~~unit~~ child support services shall transmit a notice to the
25 employer or payor of income of the employee directing the
26 employer or payor of income to withhold from the income of the
27 employee in accordance with chapter 252D.

28 Sec. 920. Section 252H.1, Code 2023, is amended to read as
29 follows:

30 **252H.1 Purpose and intent.**

31 This chapter is intended to provide a means for state
32 compliance with Tit. IV-D of the federal Social Security
33 Act, as amended, requiring states to provide procedures for
34 the review and adjustment of support orders being enforced
35 under Tit. IV-D of the federal Social Security Act, and also

1 to provide an expedited modification process when review
 2 and adjustment procedures are not required, appropriate, or
 3 applicable. Actions under this chapter shall be initiated only
 4 by the child support ~~recovery unit~~ services.

5 Sec. 921. Section 252H.2, Code 2023, is amended to read as
 6 follows:

7 **252H.2 Definitions.**

8 1. As used in this chapter, unless the context otherwise
 9 requires, *"administrator"*, *"caretaker"*, *"court order"*,
 10 *"department"*, *"dependent child"*, *"medical support"*, and
 11 *"responsible person"* mean the same as defined in section 252C.1.

12 2. As used in this chapter, unless the context otherwise
 13 requires:

14 a. *"Act"* means the federal Social Security Act.

15 b. *"Adjustment"* applies only to the child support provisions
 16 of a support order and means either of the following:

17 (1) A change in the amount of child support based upon
 18 an application of the child support guidelines established
 19 pursuant to section 598.21B.

20 (2) An addition of or change to provisions for medical
 21 support as provided in chapter 252E.

22 c. *"Child"* means a child as defined in section 252B.1.

23 d. *"Child support agency"* means any state, county, or local
 24 office or entity of another state that has the responsibility
 25 for providing child support enforcement services under Tit.
 26 IV-D of the Act.

27 e. ~~*"Child support recovery unit"* or *"unit"*~~ *"Child support*
 28 *services"* means the child support ~~recovery unit~~ services created
 29 pursuant to in section 252B.2.

30 f. *"Cost-of-living alteration"* means a change in an existing
 31 child support order which equals an amount which is the
 32 amount of the support obligation following application of the
 33 percentage change of the consumer price index for all urban
 34 consumers, United States city average, as published in the
 35 federal register by the federal department of labor, bureau of

1 labor statistics.

2 *g. "Determination of controlling order"* means the process
3 of identifying a child support order which must be recognized
4 pursuant to section 252K.207 and 28 U.S.C. §1738B, when
5 more than one state has issued a support order for the same
6 child and the same obligor, and may include a reconciliation
7 of arrearages with information related to the calculation.
8 Registration of an order of another state or foreign country is
9 not necessary for a court or ~~the unit~~ child support services to
10 make a determination of controlling order.

11 *h. "Modification"* means either of the following:

12 (1) A change, correction, or termination of an existing
13 support order.

14 (2) The establishment of a child or medical support
15 obligation in a previously established order entered
16 pursuant to chapter 234, 252A, 252C, 598, 600B, or any other
17 support proceeding, in which such support was not previously
18 established, or in which support was previously established
19 and subsequently terminated prior to the emancipation of the
20 children affected.

21 *i. "Parent"* means, for the purposes of requesting a review
22 of a support order and for being entitled to notice under this
23 chapter:

24 (1) The individual ordered to pay support pursuant to the
25 order.

26 (2) An individual or entity entitled to receive current or
27 future support payments pursuant to the order, or pursuant to a
28 current assignment of support including but not limited to an
29 agency of this or any other state that is currently providing
30 public assistance benefits to the child for whom support is
31 ordered and any child support agency. Service of notice of
32 an action initiated under this chapter on an agency is not
33 required, but the agency may be advised of the action by other
34 means.

35 *j. "Public assistance"* means benefits received in this state

1 or any other state, under Tit. IV-A (temporary assistance to
2 needy families), IV-E (foster care), or XIX (Medicaid) of the
3 Act.

4 *k.* "Review" means an objective evaluation conducted through
5 a proceeding before a court, administrative body, or an agency,
6 of information necessary for the application of a state's
7 mandatory child support guidelines to determine:

8 (1) The appropriate monetary amount of support.

9 (2) Provisions for medical support.

10 1. "State" means "state" as defined in chapter 252K.

11 *m.* "Support order" means an order for support issued
12 pursuant to this chapter, chapter 232, 234, 252A, 252C, 252E,
13 252F, 598, 600B, or any other applicable chapter, or under
14 a comparable statute of another state or foreign country as
15 registered with the clerk of court or certified to the child
16 support ~~recovery unit~~ services.

17 Sec. 922. Section 252H.3, subsections 2 and 3, Code 2023,
18 are amended to read as follows:

19 2. Nonsupport issues shall not be considered by ~~the unit~~
20 child support services or the court in any action resulting
21 under this chapter.

22 3. Actions initiated by ~~the unit~~ child support services
23 under this chapter shall not be subject to contested case
24 proceedings or further review pursuant to chapter 17A and
25 resulting court hearings following certification shall be an
26 original hearing before the district court.

27 Sec. 923. Section 252H.4, Code 2023, is amended to read as
28 follows:

29 **252H.4 Role of ~~the child support recovery unit~~ services.**

30 1. ~~The unit~~ Child support services may administratively
31 adjust or modify or may provide for an administrative
32 cost-of-living alteration of a support order entered under
33 chapter 234, 252A, 252C, 598, or 600B, or any other support
34 chapter if ~~the unit~~ child support services is providing
35 enforcement services pursuant to chapter 252B. ~~The unit~~

1 Child support services is not required to intervene to
2 administratively adjust or modify or provide for an
3 administrative cost-of-living alteration of a support order
4 under this chapter.

5 2. ~~The unit~~ Child support services is a party to an action
6 initiated pursuant to this chapter.

7 3. ~~The unit~~ Child support services shall conduct a review
8 to determine whether an adjustment is appropriate or, upon
9 the request of a parent or upon ~~the unit's~~ child support
10 services' own initiative, determine whether a modification is
11 appropriate.

12 4. ~~The unit~~ Child support services shall adopt rules
13 pursuant to chapter 17A to establish the process for the review
14 of requests for adjustment, the criteria and procedures for
15 conducting a review and determining when an adjustment is
16 appropriate, the procedure and criteria for a cost-of-living
17 alteration, the criteria and procedure for a request for review
18 pursuant to section 252H.18A, and other rules necessary to
19 implement this chapter.

20 5. Legal representation of ~~the unit~~ child support services
21 shall be provided pursuant to section 252B.7, subsection 4.

22 Sec. 924. Section 252H.5, Code 2023, is amended to read as
23 follows:

24 **252H.5 Fees and cost recovery for review — adjustment —**
25 **modification.**

26 1. Unless ~~the unit~~ child support services is already
27 providing support enforcement service pursuant to chapter 252B,
28 a parent ordered to provide support, who requests a review of a
29 support order under subchapter II, shall file an application
30 for services pursuant to section 252B.4.

31 2. A parent requesting a service shall pay the fee
32 established for that service as established under this
33 subsection. The fees established are not applicable to a
34 parent who as a condition of eligibility for receiving public
35 assistance benefits has assigned the rights to child or medical

1 support for the order to be reviewed. The following fees shall
2 be paid for the following services:

3 *a.* A fee for conducting the review, to be paid at the time
4 the request for review is submitted to ~~the unit~~ child support
5 services. If the request for review is denied for any reason,
6 the fee shall be refunded to the parent making the request.
7 Any request submitted without full payment of the fee shall be
8 denied.

9 *b.* A fee for a second review requested pursuant to section
10 252H.17, to be paid at the time the request for the second
11 review is submitted to ~~the unit~~ child support services. Any
12 request submitted without full payment of the fee shall be
13 denied.

14 *c.* A fee for activities performed by ~~the unit~~ child support
15 services in association with a court hearing requested pursuant
16 to section 252H.8.

17 *d.* A fee for activities performed by ~~the unit~~ child support
18 services in entering an administrative order to adjust support
19 when neither parent requests a court hearing pursuant to
20 section 252H.8. The fee shall be paid during the postreview
21 waiting period under section 252H.17. If the fee is not paid
22 in full during the postreview notice period, further action
23 shall not be taken by ~~the unit~~ child support services to adjust
24 the order unless the parent not requesting the adjustment
25 pays the fee in full during the postreview waiting period,
26 or unless the children affected by the order reviewed are
27 currently receiving public assistance benefits and the proposed
28 adjustment would result in either an increase in the amount of
29 support or in provisions for medical support for the children.

30 *e.* A fee for conducting a conference requested pursuant to
31 section 252H.20.

32 3. A parent who requests a review of a support order
33 pursuant to section 252H.13, shall pay any service of process
34 fees for service or attempted service of the notice required
35 in section 252H.15. ~~The unit~~ Child support services shall not

1 proceed to conduct a review pursuant to section 252H.16 until
2 service of process fees have been paid in full. The service of
3 process fee requirement of this subsection is not applicable
4 to a parent who as a condition of eligibility for public
5 assistance benefits has assigned the rights to child or medical
6 support for the order to be reviewed. Service of process fees
7 charged by a person other than ~~the unit~~ child support services
8 are distinct from any other fees and recovery of costs provided
9 for in this section.

10 4. ~~The unit~~ Child support services shall, consistent with
11 applicable federal law, recover administrative costs in excess
12 of any fees collected pursuant to subsections 2 and 3 for
13 providing services under this chapter and shall adopt rules
14 providing for collection of fees for administrative costs.

15 5. ~~The unit~~ Child support services shall adopt rules
16 pursuant to chapter 17A to establish procedures and criteria to
17 determine the amount of any fees specified in this section and
18 the administrative costs in excess of these fees.

19 Sec. 925. Section 252H.6, Code 2023, is amended to read as
20 follows:

21 **252H.6 Collection of information.**

22 ~~The unit~~ Child support services may request, obtain, and
23 validate information concerning the financial circumstances
24 of the parents of a child as necessary to determine the
25 appropriate amount of support pursuant to the guidelines
26 established in section 598.21B, including but not limited to
27 those sources and procedures described in sections 252B.7A and
28 252B.9. The collection of information does not constitute a
29 review conducted pursuant to section 252H.16.

30 Sec. 926. Section 252H.7, Code 2023, is amended to read as
31 follows:

32 **252H.7 Waiver of notice periods and time limitations.**

33 1. A parent may waive the fifteen-day prereview waiting
34 period provided for in section 252H.16.

35 a. Upon receipt of signed requests from both parents

1 waiving the prereview waiting period, ~~the unit~~ child support
2 services may conduct a review of the support order prior to
3 the expiration of the fifteen-day period provided in section
4 252H.16.

5 **b.** If the parents jointly waive the prereview waiting period
6 and the order under review is subsequently adjusted, the signed
7 statements of both parents waiving the waiting period shall be
8 filed in the court record with the order adjusting the support
9 obligation.

10 **2.** A parent may waive the postreview waiting period provided
11 for in section 252H.8, subsection 2 or 7, for a court hearing
12 or in section 252H.17 for requesting of a second review.

13 **a.** Upon receipt of signed requests from both parents subject
14 to the order reviewed, waiving the postreview waiting period,
15 ~~the unit~~ child support services may enter an administrative
16 order adjusting the support order, if appropriate, prior to the
17 expiration of the postreview waiting period.

18 **b.** If the parents jointly waive the postreview waiting
19 period and an administrative order to adjust the support order
20 is entered, the signed statements of both parents waiving the
21 waiting period shall be filed in the court record with the
22 administrative order adjusting the support obligation.

23 **3.** A parent may waive the time limitations established in
24 section 252H.8, subsection 3, for requesting a court hearing,
25 or in section 252H.20 for requesting a conference.

26 **a.** Upon receipt of signed requests from both parents who
27 are subject to the order to be modified, waiving the time
28 limitations, ~~the unit~~ child support services may proceed to
29 enter an administrative modification order.

30 **b.** If the parents jointly waive the time limitations and
31 an administrative modification order is entered under this
32 chapter, the signed statements of both parents waiving the
33 time limitations shall be filed in the court record with the
34 administrative modification order.

35 **Sec. 927.** Section 252H.8, Code 2023, is amended to read as

1 follows:

2 **252H.8 Certification to court — hearing — default.**

3 1. For actions initiated under section 252H.15, either
4 parent or ~~the unit~~ child support services may request a court
5 hearing within fifteen days from the date of issuance of the
6 notice of decision under section 252H.16, or within ten days
7 of the date of issuance of the second notice of decision under
8 section 252H.17, whichever is later.

9 2. For actions initiated under section 252H.14A, either
10 parent or ~~the unit~~ child support services may request a court
11 hearing within ten days of the issuance of the second notice of
12 decision under section 252H.17.

13 3. For actions initiated under subchapter III, either
14 parent or ~~the unit~~ child support services may request a court
15 hearing within the latest of any of the following time periods:

16 a. Twenty days from the date of successful service of the
17 notice of intent to modify required under section 252H.19.

18 b. Ten days from the date scheduled for a conference to
19 discuss the modification action.

20 c. Ten days from the date of issuance of a second notice of
21 a proposed modification action.

22 4. The time limitations for requesting a court hearing
23 under this section may be extended by ~~the unit~~ child support
24 services.

25 5. If a timely written request for a hearing is received
26 by ~~the unit~~ child support services, a hearing shall be held
27 in district court, and ~~the unit~~ child support services shall
28 certify the matter to the district court in the county in which
29 the order subject to adjustment or modification is filed. The
30 certification shall include the following, as applicable:

31 a. Copies of the notice of intent to review or notice of
32 intent to modify.

33 b. The return of service, proof of service, acceptance of
34 service, or signed statement by the parent requesting review
35 and adjustment or requesting modification, waiving service of

1 the notice.

2 *c.* Copies of the notice of decision and any revised notice
3 as provided in section 252H.16.

4 *d.* Copies of any written objections to and request for a
5 second review or conference or hearing.

6 *e.* Copies of any second notice of decision issued pursuant
7 to section 252H.17, or second notice of proposed modification
8 action issued pursuant to section 252H.20.

9 *f.* Copies of any financial statements and supporting
10 documentation provided by the parents including proof of
11 a substantial change in circumstances for a request filed
12 pursuant to section 252H.18A.

13 *g.* Copies of any computation worksheet prepared by ~~the~~
14 ~~unit~~ child support services to determine the amount of support
15 calculated using the mandatory child support guidelines
16 established under section 598.21B, and, if appropriate and the
17 social security disability provisions of sections 598.22 and
18 598.22C apply, a determination of the amount of delinquent
19 support due.

20 *h.* A certified copy of each order, issued by another state
21 or foreign country, considered in determining the controlling
22 order.

23 6. The court shall set the matter for hearing and notify the
24 parties of the time and place of the hearing.

25 7. For actions initiated under section 252H.15, a hearing
26 shall not be held for at least sixteen days following the date
27 of issuance of the notice of decision unless the parents have
28 jointly waived, in writing, the fifteen-day postreview period.

29 8. Pursuant to section 252H.3, the district court shall
30 review the matter as an original hearing before the court.

31 9. Issues subject to review by the court in any hearing
32 resulting from an action initiated under this chapter shall be
33 limited to the issues identified in section 252H.3.

34 10. Notwithstanding any other law to the contrary, if more
35 than one support order exists involving children with the same

1 legally established parents, one hearing on all of the affected
 2 support orders shall be held in the district court in the
 3 county where ~~the unit~~ child support services files the action.
 4 For the purposes of this subsection, the district court hearing
 5 the matter shall have jurisdiction over all other support
 6 orders entered by a court of this state and affected under this
 7 subsection.

8 11. The court shall establish the amount of child support
 9 pursuant to section 598.21B, or medical support pursuant to
 10 chapter 252E, or both.

11 12. If a party fails to appear at the hearing, upon a
 12 showing of proper notice to the party, the court may find the
 13 party in default and enter an appropriate order.

14 Sec. 928. Section 252H.9, Code 2023, is amended to read as
 15 follows:

16 **252H.9 Filing and docketing of administrative adjustment or**
 17 **modification order — order effective as district court order.**

18 1. If timely request for a court hearing is not made
 19 pursuant to section 252H.8, ~~the unit~~ child support services
 20 shall prepare and present an administrative order for
 21 adjustment or modification, as applicable, for review and
 22 approval, ex parte, to the district court where the order to
 23 be adjusted or modified is filed. Notwithstanding any other
 24 law to the contrary, if more than one support order exists
 25 involving children with the same legally established parents,
 26 for the purposes of this subsection, the district court
 27 reviewing and approving the matter shall have jurisdiction over
 28 all other support orders entered by a court of this state and
 29 affected under this subsection.

30 2. For orders to which subchapter II or III is applicable,
 31 ~~the unit~~ child support services shall determine the appropriate
 32 amount of the child support obligation using the current child
 33 support guidelines established pursuant to section 598.21B
 34 and the criteria established pursuant to section 252B.7A and
 35 shall determine the provisions for medical support pursuant to

1 chapter 252E.

2 3. The administrative order prepared by ~~the unit~~ child
3 support services shall specify all of the following:

4 a. The amount of support to be paid and the manner of
5 payment.

6 b. The name of the custodian of any child for whom support
7 is to be paid.

8 c. The name of the parent ordered to pay support.

9 d. The name and birth date of any child for whom support is
10 to be paid.

11 e. That the property of the responsible person is subject
12 to collection action, including but not limited to wage
13 withholding, garnishment, attachment of a lien, and other
14 methods of execution.

15 f. Provisions for medical support.

16 g. If applicable, the order determined to be the controlling
17 order.

18 h. If applicable, the amount of delinquent support due based
19 upon the receipt of social security disability payments as
20 provided in sections 598.22 and 598.22C.

21 4. Supporting documents as described in section 252H.8,
22 subsection 5, may be presented to the court with the
23 administrative order, as applicable.

24 5. Unless defects appear on the face of the order or on the
25 attachments, the district court shall approve the order. Upon
26 filing, the approved order shall have the same force, effect,
27 and attributes of an order of the district court.

28 6. Upon filing, the clerk of the district court shall enter
29 the order in the judgment docket and judgment lien index.

30 7. A copy of the order shall be sent by regular mail within
31 fourteen days after filing to each parent's last known address,
32 or if applicable, to the last known address of the parent's
33 attorney.

34 8. The order is final, and action by ~~the unit~~ child support
35 services to enforce and collect upon the order, including

1 arrearages and medical support, or both, may be taken from the
2 date of the entry of the order by the district court.

3 Sec. 929. Section 252H.10, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. The periodic due date established under a prior order
6 for payment of child support shall not be changed in any
7 order modified as a result of an action initiated under this
8 chapter, unless ~~the child support recovery unit~~ services or
9 the court determines that good cause exists to change the
10 periodic due date. If ~~the unit~~ child support services or the
11 court determines that good cause exists, ~~the unit~~ child support
12 services or the court shall include the rationale for the
13 change in the modified order and shall address the issue of
14 reconciliation of any payments due or made under a prior order
15 which would result in payment of the child support obligation
16 under both the prior and the modified orders.

17 Sec. 930. Section 252H.11, Code 2023, is amended to read as
18 follows:

19 **252H.11 Concurrent actions.**

20 This chapter does not prohibit or affect the ability or right
21 of a parent or the parent's attorney to file a modification
22 action at the parent's own initiative. If a modification
23 action is filed by a parent concerning an order for which an
24 action has been initiated but has not yet been completed by ~~the~~
25 ~~unit~~ child support services under this chapter, ~~the unit~~ child
26 support services shall terminate any action initiated under
27 this chapter, subject to the following:

28 1. The modification action filed by the parent must address
29 the same issues as the action initiated under this chapter.

30 2. If the modification action filed by the parent is
31 subsequently dismissed before being heard by the court,
32 ~~the unit~~ child support services shall continue the action
33 previously initiated under subchapter II or III, or initiate a
34 new action as follows:

35 a. If ~~the unit~~ child support services previously initiated

1 an action under subchapter II, and had not issued a notice of
2 decision as required under section 252H.14A or 252H.16, ~~the~~
3 unit child support services shall proceed as follows:

4 (1) If notice of intent to review was served ninety days
5 or less prior to the date the modification action filed by the
6 parent is dismissed, ~~the-unit~~ child support services shall
7 complete the review and issue the notice of decision.

8 (2) If the modification action filed by the parent is
9 dismissed more than ninety days after the original notice of
10 intent to review was served, ~~the-unit~~ child support services
11 shall serve or issue a new notice of intent to review and
12 conduct the review.

13 (3) If ~~the-unit~~ child support services initiated a review
14 under section 252H.14A, ~~the-unit~~ child support services may
15 issue the notice of decision.

16 *b.* If ~~the-unit~~ child support services previously initiated
17 an action under subchapter II and had issued the notice of
18 decision as required under section 252H.14A or 252H.16, ~~the~~
19 unit child support services shall proceed as follows:

20 (1) If the notice of decision was issued ninety days or less
21 prior to the date the modification action filed by the parent
22 is dismissed, ~~the-unit~~ child support services shall request,
23 obtain, and verify any new or different information concerning
24 the financial circumstances of the parents and issue a revised
25 notice of decision to each parent, or if applicable, to the
26 parent's attorney.

27 (2) If the modification action filed by the parent is
28 dismissed more than ninety days after the date of issuance
29 of the notice of decision, ~~the-unit~~ child support services
30 shall serve or issue a new notice of intent to review pursuant
31 to section 252H.15 and conduct a review pursuant to section
32 252H.16, or conduct a review and serve a new notice of decision
33 under section 252H.14A.

34 *c.* If ~~the-unit~~ child support services previously initiated
35 an action under subchapter III, ~~the-unit~~ child support services

1 shall proceed as follows:

2 (1) If the modification action filed by the parent is
3 dismissed more than ninety days after the original notice of
4 intent to modify was served, ~~the unit~~ child support services
5 shall serve a new notice of intent to modify pursuant to
6 section 252H.19.

7 (2) If the modification action filed by the parent is
8 dismissed ninety days or less after the original notice of
9 intent to modify was served, ~~the unit~~ child support services
10 shall complete the original modification action initiated by
11 ~~the unit~~ child support services under this subchapter.

12 (3) Each parent shall be allowed at least twenty days from
13 the date the administrative modification action is reinstated
14 to request a court hearing as provided for in section 252H.8.

15 3. If an action initiated under this chapter is terminated
16 as the result of a concurrent modification action filed by
17 one of the parents or the parent's attorney, ~~the unit~~ child
18 support services shall advise each parent, or if applicable,
19 the parent's attorney, in writing, that the action has been
20 terminated and the provisions of subsection 2 of this section
21 for continuing or initiating a new action under this chapter.
22 The notice shall be issued by regular mail to the last known
23 mailing address of each parent, or if applicable, each parent's
24 attorney.

25 4. If an action initiated under this chapter by ~~the~~
26 ~~unit~~ child support services is terminated as the result
27 of a concurrent action filed by one of the parents and is
28 subsequently reinstated because the modification action filed
29 by the parent is dismissed, ~~the unit~~ child support services
30 shall advise each parent, or if applicable, each parent's
31 attorney, in writing, that ~~the unit~~ child support services is
32 continuing the prior administrative adjustment or modification
33 action. The notice shall be issued by regular mail to the last
34 known mailing address of each parent, or if applicable, each
35 parent's attorney.

1 Sec. 931. Section 252H.12, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. ~~The-unit~~ Child support services is providing enforcement
4 services for the ongoing support obligation pursuant to chapter
5 252B.

6 Sec. 932. Section 252H.13, Code 2023, is amended to read as
7 follows:

8 **252H.13 Right to request review.**

9 A parent shall have the right to request the review of a
10 support order for which ~~the-unit~~ child support services is
11 currently providing enforcement services of an ongoing child
12 support obligation pursuant to chapter 252B including by
13 objecting to a cost-of-living alteration pursuant to section
14 252H.24, subsections 1 and 2.

15 Sec. 933. Section 252H.14, Code 2023, is amended to read as
16 follows:

17 **252H.14 Reviews initiated by the child support ~~recovery-unit~~**
18 **services.**

19 1. ~~The-unit~~ Child support services may periodically
20 initiate a review of support orders meeting the conditions in
21 section 252H.12 in accordance with the following:

22 a. The right to any ongoing child support obligation is
23 currently assigned to the state due to the receipt of public
24 assistance.

25 b. The support order does not already include provisions for
26 medical support.

27 c. The review is otherwise necessary to comply with the Act.

28 2. ~~The-unit~~ Child support services may periodically
29 initiate a request to a child support agency of another state
30 or to a foreign country to conduct a review of a support
31 order when the right to any ongoing child or medical support
32 obligation due under the order is currently assigned to the
33 state of Iowa or if the order does not include provisions for
34 medical support.

35 3. ~~The-unit~~ Child support services shall adopt rules

1 establishing criteria to determine the appropriateness of
2 initiating a review.

3 4. ~~The unit~~ Child support services shall initiate reviews
4 under this section in accordance with the Act.

5 Sec. 934. Section 252H.14A, Code 2023, is amended to read
6 as follows:

7 **252H.14A Reviews initiated by the child support ~~recovery unit~~**
8 **services — abbreviated method.**

9 1. Notwithstanding section 252H.15, ~~the unit~~ child support
10 services may use procedures under this section to review a
11 support order if all the following apply:

12 a. One of the following applies:

13 (1) The right to ongoing child support is assigned to the
14 state of Iowa due to the receipt of family investment program
15 assistance, and a review of the support order is required under
16 section 7302 of the federal Deficit Reduction Act of 2005, Pub.
17 L. No. 109-171.

18 (2) A parent requests a review, provides ~~the unit~~ child
19 support services with financial information as part of that
20 request, and the order meets the criteria for review under this
21 subchapter.

22 b. ~~The unit~~ Child support services has access to information
23 concerning the financial circumstances of each parent and one
24 of the following applies:

25 (1) The parent is a recipient of family investment program
26 assistance, medical assistance, or ~~food~~ supplemental nutrition
27 assistance program assistance from the department.

28 (2) The parent's income is from supplemental security
29 income paid pursuant to 42 U.S.C. §1381a.

30 (3) The parent is a recipient of disability benefits under
31 the Act because of the parent's disability.

32 (4) The parent is an inmate of an institution under the
33 control of the department of corrections.

34 (5) ~~The unit~~ Child support services has access to
35 information described in section 252B.7A, subsection 1,

1 paragraph "c".

2 2. If the conditions of subsection 1 are met, ~~the-unit~~ child
3 support services may conduct a review and determine whether
4 an adjustment is appropriate using information accessible by
5 ~~the-unit~~ child support services without issuing a notice under
6 section 252H.15 or requesting additional information from the
7 parent.

8 3. Upon completion of the review, ~~the-unit~~ child support
9 services shall issue a notice of decision to each parent, or
10 if applicable, to each parent's attorney. The notice shall be
11 served in accordance with the rules of civil procedure or as
12 provided in section 252B.26, except that a parent requesting
13 a review pursuant to section 252H.13 shall waive the right to
14 personal service of the notice in writing and accept service
15 by regular mail. If the service by regular mail does not occur
16 within ninety days of the written waiver of personal service,
17 personal service of the notice is required unless a new waiver
18 of personal service is obtained.

19 4. All of the following shall be included in the notice of
20 decision:

21 a. The legal basis and purpose of the action, including
22 an explanation of the procedures for determining child
23 support, the criteria for determining the appropriateness of
24 an adjustment, and a statement that ~~the-unit~~ child support
25 services used the child support guidelines established pursuant
26 to section 598.21B and the provisions for medical support
27 pursuant to chapter 252E.

28 b. Information sufficient to identify the affected parties
29 and the support order or orders affected.

30 c. An explanation of the legal rights and responsibilities
31 of the affected parties, including time frames in which the
32 parties must act.

33 d. A statement indicating whether ~~the-unit~~ child support
34 services finds that an adjustment is appropriate and the basis
35 for the determination.

1 e. Procedures for contesting the action, including that if a
2 parent requests a second review both parents will be requested
3 to submit financial or income information as necessary for
4 application of the child support guidelines established
5 pursuant to section 598.21B.

6 f. Other information as appropriate.

7 5. Section 252H.16, subsection 5, regarding a revised
8 notice of decision shall apply to a notice of decision issued
9 under this section.

10 6. Each parent shall have the right to challenge the notice
11 of decision issued under this section by requesting a second
12 review by ~~the unit~~ child support services as provided in
13 section 252H.17. If there is no new or different information
14 to consider for the second review, ~~the unit~~ child support
15 services shall issue a second notice of decision based on prior
16 information. Each parent shall have the right to challenge
17 the second notice of decision by requesting a court hearing as
18 provided in section 252H.8.

19 Sec. 935. Section 252H.15, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. Unless an action is initiated under section 252H.14A,
22 prior to conducting a review of a support order, ~~the unit~~ child
23 support services shall issue a notice of intent to review and
24 adjust to each parent, or if applicable, to each parent's
25 attorney. However, notice to a child support agency or an
26 agency entitled to receive child or medical support payments as
27 the result of an assignment of support rights is not required.

28 Sec. 936. Section 252H.15, subsection 3, unnumbered
29 paragraph 1, Code 2023, is amended to read as follows:

30 ~~The unit~~ Child support services shall adopt rules pursuant
31 to chapter 17A to ensure that all of the following are included
32 in the notice:

33 Sec. 937. Section 252H.15, subsection 3, paragraph e, Code
34 2023, is amended to read as follows:

35 e. Criteria for determining appropriateness of an adjustment

1 and a statement that ~~the unit~~ child support services will use
2 the child support guidelines established pursuant to section
3 598.21B and the provisions for medical support pursuant to
4 chapter 252E to adjust the order.

5 Sec. 938. Section 252H.16, Code 2023, is amended to read as
6 follows:

7 **252H.16 Conducting the review — notice of decision.**

8 1. For actions initiated under section 252H.15, ~~the unit~~
9 child support services shall conduct the review and determine
10 whether an adjustment is appropriate. As necessary, ~~the unit~~
11 child support services shall make a determination of the
12 controlling order or the amount of delinquent support due based
13 upon the receipt of social security disability payments as
14 provided in sections 598.22 and 598.22C.

15 2. Unless both parents have waived the prereview notice
16 period as provided for in section 252H.7, the review shall
17 not be conducted for at least fifteen days from the date both
18 parents were successfully served with the notice required in
19 section 252H.15.

20 3. Upon completion of the review, ~~the unit~~ child support
21 services shall issue a notice of decision by regular mail to
22 the last known address of each parent, or if applicable, each
23 parent's attorney.

24 4. ~~The unit~~ Child support services shall adopt rules
25 pursuant to chapter 17A to ensure that all of the following are
26 included in the notice:

27 a. Information sufficient to identify the affected parties
28 and the support order or orders affected.

29 b. A statement indicating whether ~~the unit~~ child support
30 services finds that an adjustment is appropriate and the basis
31 for the determination.

32 c. Other information, as appropriate.

33 5. A revised notice of decision shall be issued when ~~the~~
34 unit child support services receives or becomes aware of new or
35 different information affecting the results of the review after

1 the notice of decision has been issued and before the entry of
2 an administrative order adjusting the support order, when new
3 or different information is not received in conjunction with
4 a request for a second review, or subsequent to a request for
5 a court hearing. If a revised notice of decision is issued,
6 the time frames for requesting a second review or court hearing
7 shall apply from the date of issuance of the revised notice.

8 Sec. 939. Section 252H.17, Code 2023, is amended to read as
9 follows:

10 **252H.17 Challenging the notice of decision — second review**
11 **— notice.**

12 1. Each parent shall have the right to challenge the notice
13 of decision issued under section 252H.14A or 252H.16, by
14 requesting a second review by ~~the unit~~ child support services.

15 2. A challenge shall be submitted, in writing, to ~~the~~
16 ~~local~~ child support office that issued the notice of decision
17 services, within thirty days of service of the notice of
18 decision under section 252H.14A or within ten days of the
19 issuance of the notice of decision under section 252H.16.

20 3. A parent challenging the notice of decision shall submit
21 any new or different information, not previously considered by
22 ~~the unit~~ child support services in conducting the review, with
23 the challenge and request for second review.

24 4. A parent challenging the notice of decision shall submit
25 any required fees with the challenge. Any request submitted
26 without full payment of the required fee shall be denied.

27 5. If a timely challenge along with any necessary fee
28 is received, ~~the unit~~ child support services shall issue by
29 regular mail to the last known address of each parent, or if
30 applicable, to each parent's attorney, a notice that a second
31 review will be conducted. ~~The unit~~ Child support services
32 shall adopt rules pursuant to chapter 17A to ensure that all of
33 the following are included in the notice:

34 a. A statement of purpose of the second review.

35 b. Information sufficient to identify the affected parties

1 and the support order or orders affected.

2 *c.* A statement of the information that is eligible for
3 consideration at the second review.

4 *d.* The procedures and time frames in conducting and
5 completing a second review, including a statement that only one
6 second review shall be conducted as the result of a challenge
7 received from either or both parents.

8 *e.* An explanation of the right to request a court hearing,
9 and the applicable time frames and procedures to follow in
10 requesting a court hearing.

11 *f.* Other information, as appropriate.

12 6. ~~The unit~~ Child support services shall conduct a second
13 review, utilizing any new or additional information provided
14 or available since issuance of the notice of decision under
15 section 252H.14A or under section 252H.16, to determine whether
16 an adjustment is appropriate.

17 7. Upon completion of the review, ~~the unit~~ child
18 support services shall issue a second notice of decision by
19 regular mail to the last known address of each parent, or if
20 applicable, to each parent's attorney. ~~The unit~~ Child support
21 services shall adopt rules pursuant to chapter 17A to ensure
22 that all of the following are included in the notice:

23 *a.* Information sufficient to identify the affected parties
24 and the support order or orders affected.

25 *b.* ~~The unit's~~ Child support services' finding resulting from
26 the second review indicating whether ~~the unit~~ child support
27 services finds that an adjustment is appropriate, the basis for
28 the determination, and the impact on the first review.

29 *c.* An explanation of the right to request a court hearing,
30 and the applicable time frames and procedures to follow in
31 requesting a court hearing.

32 *d.* Other information, as appropriate.

33 8. If the determination resulting from the first review
34 is revised or reversed by the second review, the following
35 shall be issued to each parent along with the second notice of

1 decision and the amount of any proposed adjustment:

2 a. Any updated or revised financial statements provided by
3 either parent.

4 b. A computation prepared by ~~the local~~ child support office
5 ~~issuing the notice~~ services, demonstrating how the amount of
6 support due under the child support guidelines was calculated,
7 and a comparison of the newly computed amount with the current
8 support obligation amount.

9 Sec. 940. Section 252H.18, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. ~~The unit~~ Child support services is providing services
12 pursuant to chapter 252B.

13 Sec. 941. Section 252H.18A, subsection 1, unnumbered
14 paragraph 1, Code 2023, is amended to read as follows:

15 If a support order is not eligible for review and adjustment
16 because the support order is outside of the minimum time frames
17 specified by rule of the department, a parent may request a
18 review and administrative modification by submitting all of the
19 following to ~~the unit~~ child support services:

20 Sec. 942. Section 252H.18A, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Upon receipt of the request and all documentation
23 required in subsection 1, ~~the unit~~ child support services shall
24 review the request and documentation and if appropriate shall
25 issue a notice of intent to modify as provided in section
26 252H.19.

27 Sec. 943. Section 252H.19, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. ~~The unit~~ Child support services shall issue a notice of
30 intent to modify to each parent. Notice to a child support
31 agency or an agency entitled to receive child or medical
32 support payments as the result of an assignment of support
33 rights is not required.

34 Sec. 944. Section 252H.19, subsection 2, unnumbered
35 paragraph 1, Code 2023, is amended to read as follows:

1 The notice shall be served upon each parent in accordance
2 with the rules of civil procedure, except that a parent
3 requesting modification shall, at the time of the request,
4 waive the right to personal service of the notice in writing
5 and accept service by regular mail. ~~The unit~~ Child support
6 services shall adopt rules pursuant to chapter 17A to ensure
7 that all of the following are included in the notice:

8 Sec. 945. Section 252H.20, Code 2023, is amended to read as
9 follows:

10 **252H.20 Conference — second notice and finding of financial**
11 **responsibility.**

12 1. Each parent shall have the right to request a conference
13 with ~~the office of the unit that issued the notice of intent~~
14 ~~to modify~~ child support services. The request may be made in
15 person, in writing, or by telephone, and shall be made within
16 ten days of the date of successful service of the notice of
17 intent to modify.

18 2. A parent requesting a conference shall submit
19 any required fee no later than the date of the scheduled
20 conference. A conference shall not be held unless the required
21 fee is paid in full.

22 3. Upon a request and full payment of any required fee,
23 ~~the office of the unit that issued the notice of intent to~~
24 ~~modify~~ child support services shall schedule a conference with
25 the parent and advise the parent of the date, time, place, and
26 procedural aspects of the conference. ~~The unit~~ Child support
27 services shall adopt rules pursuant to chapter 17A to specify
28 the manner in which a conference is conducted and the purpose
29 of the conference.

30 4. Following the conference, ~~the office of the unit that~~
31 ~~conducted the review~~ child support services shall issue a
32 second notice of proposed modification and finding of financial
33 responsibility to the parent requesting the conference. ~~The~~
34 ~~unit~~ Child support services shall adopt rules pursuant to
35 chapter 17A to ensure that all of the following are included

1 in the notice:

2 *a.* Information sufficient to identify the affected parties
3 and the support order or orders affected.

4 *b.* If ~~the unit~~ child support services will continue or
5 terminate the action.

6 *c.* Procedures for contesting the action and the applicable
7 time frames for actions by the parents.

8 *d.* Other information, as appropriate.

9 Sec. 946. Section 252H.21, subsection 2, paragraph c,
10 subparagraph (2), Code 2023, is amended to read as follows:

11 (2) Increase or decrease the amount of the child support
12 order calculated in subparagraph (1) for each subsequent year
13 by applying the appropriate consumer price index for each
14 subsequent year to the result of the calculation for the
15 previous year. The final year in the calculation shall be the
16 year immediately preceding the year ~~the unit~~ child support
17 services received the completed request for the cost-of-living
18 alteration.

19 Sec. 947. Section 252H.22, subsection 3, Code 2023, is
20 amended to read as follows:

21 3. ~~The unit~~ Child support services is providing enforcement
22 services for the ongoing support obligation pursuant to chapter
23 252B.

24 Sec. 948. Section 252H.23, unnumbered paragraph 1, Code
25 2023, is amended to read as follows:

26 A parent may request a cost-of-living alteration by
27 submitting all of the following to ~~the unit~~ child support
28 services:

29 Sec. 949. Section 252H.24, Code 2023, is amended to read as
30 follows:

31 **252H.24 Role of ~~the child support recovery unit~~ services —**
32 **filing and docketing of cost-of-living alteration order — order**
33 **effective as district court order.**

34 1. Upon receipt of a request and required documentation for
35 a cost-of-living alteration, ~~the unit~~ child support services

1 shall issue a notice of the amount of cost-of-living alteration
2 by regular mail to the last known address of each parent,
3 or, if applicable, each parent's attorney. The notice shall
4 include all of the following:

5 a. A statement that either parent may contest the
6 cost-of-living alteration within thirty days of the date of
7 the notice by making a request for a review of a support order
8 as provided in section 252H.13, and if either parent does not
9 make a request for a review within thirty days, ~~the unit~~ child
10 support services shall prepare an administrative order as
11 provided in subsection 4.

12 b. A statement that the parent may waive the thirty-day
13 notice waiting period provided for in this section.

14 2. Upon timely receipt of a request and required
15 documentation for a review of a support order as provided
16 in subsection 1 from either parent, ~~the unit~~ child support
17 services shall terminate the cost-of-living alteration process
18 and apply the provisions of subchapters I and II of this
19 chapter relating to review and adjustment.

20 3. Upon receipt of signed requests from both parents subject
21 to the support order, waiving the notice waiting period, ~~the~~
22 unit child support services may prepare an administrative order
23 pursuant to subsection 4 altering the support obligation.

24 4. If timely request for a review pursuant to section
25 252H.13 is not made, and if the thirty-day notice waiting
26 period has expired, or if both parents have waived the notice
27 waiting period, ~~the unit~~ child support services shall prepare
28 and present an administrative order for a cost-of-living
29 alteration, ex parte, to the district court where the order to
30 be altered is filed.

31 5. Unless defects appear on the face of the administrative
32 order or on the attachments, the district court shall approve
33 the order. Upon filing, the approved order shall have the
34 same force, effect, and attributes of an order of the district
35 court.

1 6. Upon filing, the clerk of the district court shall enter
2 the order in the judgment docket and judgment lien index.

3 7. If the parents jointly waive the thirty-day notice
4 waiting period, the signed statements of both parents waiving
5 the notice period shall be filed in the court record with the
6 administrative order altering the support obligation.

7 8. ~~The unit~~ Child support services shall send a copy of
8 the order by regular mail to each parent's last known address,
9 or, if applicable, to the last known address of the parent's
10 attorney.

11 9. An administrative order approved by the district court is
12 final, and action by ~~the unit~~ child support services to enforce
13 and collect upon the order may be taken from the date of the
14 entry of the order by the district court.

15 Sec. 950. Section 252I.1, Code 2023, is amended to read as
16 follows:

17 **252I.1 Definitions.**

18 As used in this chapter, unless the context otherwise
19 requires:

20 1. "*Account*" means "account" as defined in section 524.103,
21 the savings or deposits of a member received or being held
22 by a credit union, or certificates of deposit. "*Account*"
23 also includes deposits held by an agent, a broker-dealer,
24 or an issuer as defined in section 502.102 and money-market
25 mutual fund accounts and "account" as defined in 42 U.S.C.
26 §666(a)(17). However, "*account*" does not include amounts held
27 by a financial institution as collateral for loans extended by
28 the financial institution.

29 2. "*Bank*" means "bank", "insured bank", and "state bank" as
30 defined in section 524.103.

31 3. "*Child support services*" means child support services
32 created in section 252B.2.

33 ~~3-~~ 4. "*Court order*" means "support order" as defined in
34 section 252J.1.

35 ~~4-~~ 5. "*Credit union*" means "credit union" as defined in

1 section 533.102.

2 ~~5.~~ 6. "*Financial institution*" means "financial institution"
3 as defined in 42 U.S.C. §669A(d)(1). "*Financial institution*"
4 also includes an institution which holds deposits for an agent,
5 broker-dealer, or an issuer as defined in section 502.102.

6 ~~6.~~ 7. "*Obligor*" means a person who has been ordered by a
7 court or administrative authority to pay support.

8 ~~7.~~ 8. "*Support*" or "*support payments*" means "support" or
9 "support payments" as defined in section 252D.16.

10 ~~8.~~ "*Unit*" or "*child support recovery unit*" means the child
11 support recovery unit created in section 252B.2.

12 9. "*Working days*" means only Monday, Tuesday, Wednesday,
13 Thursday, and Friday, but excluding the holidays specified in
14 section 1C.2, subsection 1.

15 Sec. 951. Section 252I.2, Code 2023, is amended to read as
16 follows:

17 **252I.2 Purpose and use.**

18 1. Notwithstanding other statutory provisions which provide
19 for the execution, attachment, or levy against accounts, ~~the~~
20 ~~unit~~ child support services may utilize the process established
21 in this chapter to collect delinquent support payments provided
22 that any exemptions or exceptions which specifically apply to
23 enforcement of support obligations pursuant to other statutory
24 provisions also apply to this chapter.

25 2. An obligor is subject to the provisions of this chapter
26 if the obligor's support obligation is being enforced by ~~the~~
27 child support ~~recovery unit~~ services, and if the support
28 payments ordered under chapter 232, 234, 252A, 252C, 252D,
29 252E, 252F, 598, 600B, or any other applicable chapter,
30 or under a comparable statute of another state or foreign
31 country, as certified to ~~the child support recovery unit~~
32 services, are not paid to the clerk of the district court or
33 the collection services center pursuant to section 598.22 and
34 become delinquent in an amount equal to the support payment for
35 one month.

1 3. Any amount forwarded by a financial institution under
2 this chapter shall not exceed the amounts specified in 15
3 U.S.C. §1673(b) and shall not exceed the delinquent or accrued
4 amount of support owed by the obligor.

5 Sec. 952. Section 252I.3, Code 2023, is amended to read as
6 follows:

7 **252I.3 Initial notice to obligor.**

8 ~~The unit~~ Child support services or the district court
9 may include language in any new or modified support order
10 issued on or after July 1, 1994, notifying the obligor that
11 the obligor is subject to the provisions of this chapter.
12 However, this chapter is sufficient notice for implementation
13 of administrative levy provisions without further notice of the
14 provisions of this chapter.

15 Sec. 953. Section 252I.4, Code 2023, is amended to read as
16 follows:

17 **252I.4 Verification of accounts and immunity from liability.**

18 1. ~~The unit~~ Child support services may contact a financial
19 institution to obtain verification of the account number, the
20 names and social security numbers listed for the account, and
21 the account balance of any account held by an obligor. Contact
22 with a financial institution may be by telephone or by written
23 communication. The financial institution may require positive
24 voice recognition and may require the telephone number of the
25 authorized person from ~~the unit~~ child support services before
26 releasing an obligor's account information by telephone.

27 2. ~~The unit~~ Child support services and financial
28 institutions doing business in Iowa shall enter into agreements
29 to develop and operate a data match system, using automated
30 data exchanges to the maximum extent feasible. The data
31 match system shall allow a means by which each financial
32 institution shall provide to ~~the unit~~ child support services
33 for each calendar quarter the name, record address, social
34 security number or other taxpayer identification number, and
35 other identifying information for each obligor who maintains

1 an account at the institution and who owes past-due support,
2 as identified by ~~the unit~~ child support services by name and
3 social security number or other taxpayer identification number.
4 ~~The unit~~ Child support services shall work with representatives
5 of financial institutions to develop a system to assist
6 nonautomated financial institutions in complying with the
7 provisions of this section.

8 3. ~~The unit~~ Child support services may pay a reasonable
9 fee to a financial institution for conducting the data match
10 required in subsection 2, not to exceed the lower of either
11 one hundred fifty dollars for each quarterly data match or the
12 actual costs incurred by the financial institution for each
13 quarterly data match. However, ~~the unit~~ child support services
14 may also adopt rules pursuant to chapter 17A to specify a fee
15 amount for each quarterly data match based upon the estimated
16 state share of funds collected under this chapter, which,
17 when adopted, shall be applied in lieu of the one hundred
18 fifty dollar fee under this subsection. In addition, ~~the unit~~
19 child support services may pay a reasonable fee to a financial
20 institution for automation programming development performed
21 in order to conduct the data match required in subsection 2,
22 not to exceed the lower of either five hundred dollars or
23 the actual costs incurred by the financial institution. ~~The~~
24 unit Child support services may use the state share of funds
25 collected under this chapter to pay the fees to financial
26 institutions under this subsection. For state fiscal years
27 beginning July 1, 1999, and July 1, 2000, ~~the unit~~ child
28 support services may use up to one hundred percent of the
29 state share of such funds. For state fiscal years beginning
30 on or after July 1, 2001, ~~the unit~~ child support services may
31 use up to fifty percent of the state share of such funds.
32 Notwithstanding any other provision of law to the contrary,
33 a financial institution shall have until a date provided in
34 the agreement in subsection 2 to submit its claim for a fee
35 under this subsection. If ~~the unit~~ child support services

1 does not have sufficient funds available under this subsection
2 for payment of fees under this subsection for conducting data
3 matches or for automation program development performed in the
4 fiscal year beginning July 1, 1999, the cost may be carried
5 forward to the fiscal year beginning July 1, 2000. ~~The unit~~
6 Child support services may also use funds from an amount
7 assessed a child support agency of another state, as defined in
8 section 252H.2, to conduct a data match requested by that child
9 support agency as provided in 42 U.S.C. §666(a)(14) to pay fees
10 to financial institutions under this subsection.

11 4. a. A financial institution is immune from any liability
12 in any action or proceeding, whether civil or criminal, for any
13 of the following:

14 (1) The disclosure of any information by a financial
15 institution to ~~the unit~~ child support services pursuant to
16 this chapter or the rules or procedures adopted by ~~the unit~~
17 child support services to implement this chapter, including
18 disclosure of information relating to an obligor who maintains
19 an account with the financial institution or disclosure of
20 information relating to any other person who maintains an
21 account with the financial institution that is provided for
22 the purpose of complying with the data match requirements of
23 this section and with the agreement entered into between the
24 financial institution and ~~the unit~~ child support services
25 pursuant to subsection 2.

26 (2) Any encumbrance or surrender of any assets held by a
27 financial institution in response to a notice of lien or levy
28 issued by ~~the unit~~ child support services.

29 (3) Any action or omission in connection with good faith
30 efforts to comply with this chapter or any rules or procedures
31 that are adopted by ~~the unit~~ child support services to
32 implement this chapter.

33 (4) The disclosure, use, or misuse by ~~the unit~~ child
34 support services or by any other person of information provided
35 or assets delivered to ~~the unit~~ child support services by a

1 financial institution.

2 **b.** For the purposes of this section, “*financial institution*”
3 includes officers, directors, employees, contractors, and
4 agents of the financial institution.

5 5. The financial institution or ~~the unit~~ child support
6 services is not liable for the cost of any early withdrawal
7 penalty of an obligor’s certificate of deposit.

8 Sec. 954. Section 252I.5, subsections 1 and 2, Code 2023,
9 are amended to read as follows:

10 1. If an obligor is subject to this chapter under section
11 252I.2, ~~the unit~~ child support services may initiate an
12 administrative action to levy against the accounts of the
13 obligor.

14 2. ~~The unit~~ Child support services may send a notice to
15 the financial institution with which the account is placed,
16 directing that the financial institution forward all or a
17 portion of the moneys in the obligor’s account or accounts to
18 the collection services center established pursuant to chapter
19 252B. The notice shall be sent by regular mail, with proof of
20 service completed according to rule of civil procedure 1.442.

21 Sec. 955. Section 252I.5, subsection 3, paragraph g, Code
22 2023, is amended to read as follows:

23 **g.** A telephone number, and address, ~~and contact name of the~~
24 for child support ~~recovery unit contact initiating the action~~
25 services.

26 Sec. 956. Section 252I.6, Code 2023, is amended to read as
27 follows:

28 **252I.6 Administrative levy — notice to support obligor.**

29 1. ~~The unit~~ Child support services may administratively
30 initiate an action to seize accounts of an obligor who is
31 subject to this chapter under section 252I.2.

32 2. ~~The unit~~ Child support services shall notify an obligor
33 subject to this chapter, and any other party known to have
34 an interest in the account, of the action. The notice shall
35 contain all of the following:

- 1 *a.* The name of the obligor.
- 2 *b.* A statement that the obligor is believed to have one or
3 more accounts at the financial institution.
- 4 *c.* A statement that pursuant to the provisions of this
5 chapter, the obligor's accounts are subject to seizure and the
6 financial institution is authorized and required to forward
7 moneys to the collection services center.
- 8 *d.* The maximum amount to be forwarded by the financial
9 institution, which shall not exceed the delinquent or accrued
10 amount of support owed by the obligor.
- 11 *e.* The prescribed time frames within which the financial
12 institution must comply.
- 13 *f.* A statement that any challenge to the action shall be
14 in writing and shall be received by ~~the child support recovery~~
15 ~~unit~~ services within ten days of the date of the notice to the
16 obligor.
- 17 *g.* The address of the collection services center and the
18 collection services center account number.
- 19 *h.* A telephone number, and address, ~~and contact name~~ for
20 the child support ~~recovery unit~~ ~~contact~~ ~~initiating the action~~
21 services.
- 22 3. ~~The unit~~ Child support services shall forward the notice
23 to the obligor by regular mail within two working days of
24 sending the notice to the financial institution pursuant to
25 section 252I.5. Proof of service shall be completed according
26 to rule of civil procedure 1.442.
- 27 Sec. 957. Section 252I.7, subsections 1 and 2, Code 2023,
28 are amended to read as follows:
29 1. Immediately encumber funds in all accounts in which the
30 obligor has an interest to the extent of the debt indicated in
31 the notice from ~~the unit~~ child support services.
- 32 2. No sooner than fifteen days, and no later than twenty
33 days from the date the financial institution receives the
34 notice under section 252I.5, unless notified by ~~the unit~~ child
35 support services of a challenge by the obligor or an account

1 holder of interest, the financial institution shall forward the
2 moneys encumbered to the collection services center with the
3 obligor's name and social security number, collection services
4 center account number, and any other information required in
5 the notice.

6 Sec. 958. Section 252I.8, Code 2023, is amended to read as
7 follows:

8 **252I.8 Challenges to action.**

9 1. Challenges under this chapter may be initiated only by an
10 obligor or by an account holder of interest. Actions initiated
11 by ~~the unit~~ child support services under this chapter are not
12 subject to chapter 17A, and resulting court hearings following
13 certification shall be an original hearing before the district
14 court.

15 2. The person challenging the action shall submit a written
16 challenge to ~~the person identified as the contact for the unit~~
17 ~~in the notice~~ child support services, within ten working days
18 of the date of the notice.

19 3. ~~The unit~~ Child support services shall, upon receipt of
20 a written challenge, review the facts of the case with the
21 challenging party. Only a mistake of fact, including but
22 not limited to, a mistake in the identity of the obligor or
23 a mistake in the amount of delinquent support due shall be
24 considered as a reason to dismiss or modify the proceeding.

25 4. If ~~the unit~~ child support services determines that a
26 mistake of fact has occurred ~~the unit~~, child support services
27 shall proceed as follows:

28 a. If a mistake in identity has occurred or the obligor is
29 not delinquent in an amount equal to the payment for one month,
30 ~~the unit~~ child support services shall notify the financial
31 institution that the administrative levy has been released.
32 ~~The unit~~ Child support services shall provide a copy of the
33 notice to the support obligor by regular mail.

34 b. If the obligor is delinquent, but the amount of the
35 delinquency is less than the amount indicated in the notice,

1 ~~the unit~~ child support services shall notify the financial
2 institution of the revised amount with a copy of the notice and
3 issue a copy to the obligor or forward a copy to the obligor
4 by regular mail. Upon written receipt of instructions from
5 ~~the unit~~ child support services, the financial institution
6 shall release the funds in excess of the revised amount to
7 the obligor and the moneys in the amount of the debt shall be
8 processed according to section 252I.7.

9 5. If ~~the unit~~ child support services finds no mistake of
10 fact, ~~the unit~~ child support services shall provide a notice
11 to that effect to the challenging party by regular mail. Upon
12 written request of the challenging party, ~~the unit~~ child
13 support services shall request a hearing before the district
14 court in the county in which the underlying support order is
15 filed.

16 a. The financial institution shall encumber moneys if ~~the~~
17 child support recovery unit services notifies the financial
18 institution to do so.

19 b. The clerk of the district court shall schedule a hearing
20 upon the request by ~~the unit~~ child support services for a
21 time not later than ten calendar days after the filing of
22 the request for hearing. The clerk shall mail copies of the
23 request for hearing and the order scheduling the hearing to
24 ~~the unit~~ child support services and to all account holders of
25 interest.

26 c. If the court finds that there is a mistake of identity or
27 that the obligor does not owe the delinquent support, ~~the unit~~
28 child support services shall notify the financial institution
29 that the administrative levy has been released.

30 d. If the court finds that the obligor has an interest in
31 the account, and the amount of support due was incorrectly
32 overstated, ~~the unit~~ child support services shall notify the
33 financial institution to release the excess moneys to the
34 obligor and remit the remaining moneys in the amount of the
35 debt to the collection services center for disbursement to the

1 appropriate recipient.

2 *e.* If the court finds that the obligor has an interest
3 in the account, and the amount of support due is correct,
4 the financial institution shall forward the moneys to the
5 collection services center for disbursement to the appropriate
6 recipient.

7 *f.* If the obligor or any other party known to have an
8 interest in the account fails to appear at the hearing, the
9 court may find the challenging party in default, shall ratify
10 the administrative levy, if valid upon its face, and shall
11 enter an order directing the financial institution to release
12 the moneys to ~~the unit~~ child support services.

13 *g.* Issues related to visitation, custody, or other
14 provisions not related to levies against accounts are not
15 grounds for a hearing under this chapter.

16 *h.* Support orders shall not be modified under a challenge
17 pursuant to this section.

18 *i.* Any findings in the challenge of an administrative
19 levy related to the amount of the accruing or accrued support
20 obligation do not modify the underlying support order.

21 *j.* An order entered under this chapter for a levy against
22 an account of a support obligor has priority over a levy for a
23 purpose other than the support of the dependents in the court
24 order being enforced.

25 6. The support obligor may withdraw the request for
26 challenge by submitting a written withdrawal to the person
27 identified as the contact for ~~the unit~~ child support services
28 in the notice or ~~the unit~~ child support services may withdraw
29 the administrative levy at any time prior to the court hearing
30 and provide notice of the withdrawal to the obligor and any
31 account holder of interest and to the financial institution, by
32 regular mail.

33 7. If the financial institution has forwarded moneys to
34 the collection services center and has deducted a fee from the
35 moneys of the account, or if any additional fees or costs are

1 levied against the account, and all funds are subsequently
 2 refunded to the account due to a mistake of fact or ruling
 3 of the court, ~~the child support recovery unit~~ services shall
 4 reimburse the account for any fees assessed by the financial
 5 institution. If the mistake of fact is a mistake in the amount
 6 of support due and any portion of the moneys is retained as
 7 support payments, however, ~~the unit child support services~~ is
 8 not required to reimburse the account for any fees or costs
 9 levied against the account. Additionally, for the purposes
 10 of reimbursement to the account for any fees or costs, each
 11 certificate of deposit is considered a separate account.

12 Sec. 959. Section 252J.1, Code 2023, is amended to read as
 13 follows:

14 **252J.1 Definitions.**

15 As used in this chapter, unless the context otherwise
 16 requires:

17 1. "*Certificate of noncompliance*" means a document provided
 18 by ~~the child support recovery unit~~ services certifying that
 19 the named individual is not in compliance with any of the
 20 following:

21 a. A support order.

22 b. A written agreement for payment of support entered into
 23 by ~~the unit~~ child support services and the obligor.

24 c. A subpoena or warrant relating to a paternity or support
 25 proceeding.

26 2. "*Child support services*" means child support services
 27 created in section 252B.2.

28 3. "*Department*" means the department of health and human
 29 services.

30 ~~2.~~ 4. "*Individual*" means a parent, an obligor, or a
 31 putative father in a paternity or support proceeding.

32 ~~3.~~ 5. "*License*" means a license, certification,
 33 registration, permit, approval, renewal, or other similar
 34 authorization issued to an individual by a licensing authority
 35 which evidences the admission to, or granting of authority to

1 engage in, a profession, occupation, business, industry, or
2 recreation or to operate or register a motor vehicle. *"License"*
3 includes licenses for hunting, fishing, boating, or other
4 recreational activity.

5 ~~4.~~ 6. *"Licensee"* means an individual to whom a license has
6 been issued, or who is seeking the issuance of a license.

7 ~~5.~~ 7. *"Licensing authority"* means a county treasurer,
8 county recorder or designated depository, the supreme court,
9 or an instrumentality, agency, board, commission, department,
10 officer, organization, or any other entity of the state, which
11 has authority within this state to suspend or revoke a license
12 or to deny the renewal or issuance of a license authorizing an
13 individual to register or operate a motor vehicle or to engage
14 in a business, occupation, profession, recreation, or industry.

15 ~~6.~~ 8. *"Obligor"* means a natural person as defined
16 in section 252G.1 who has been ordered by a court or
17 administrative authority to pay support.

18 ~~7.~~ 9. *"Subpoena or warrant"* means a subpoena or warrant
19 relating to a paternity or support proceeding initiated or
20 obtained by ~~the unit~~ child support services or a child support
21 agency as defined in section 252H.2.

22 ~~8.~~ 10. *"Support"* means support or support payments as
23 defined in section 252D.16, whether established through court
24 or administrative order.

25 ~~9.~~ 11. *"Support order"* means an order for support issued
26 pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F,
27 252H, 598, 600B, or any other applicable chapter, or under
28 a comparable statute of another state or foreign country as
29 registered with the clerk of the district court or certified to
30 ~~the child support recovery unit~~ services.

31 ~~10.~~ *"Unit"* ~~means the child support recovery unit created in~~
32 ~~section 252B.2.~~

33 ~~11.~~ 12. *"Withdrawal of a certificate of noncompliance"*
34 means a document provided by ~~the unit~~ child support services
35 certifying that the certificate of noncompliance is withdrawn

1 and that the licensing authority may proceed with issuance,
2 reinstatement, or renewal of an individual's license.

3 Sec. 960. Section 252J.2, Code 2023, is amended to read as
4 follows:

5 **252J.2 Purpose and use.**

6 1. Notwithstanding other statutory provisions to the
7 contrary, and if an individual has not been cited for contempt
8 and enjoined from engaging in the activity governed by a
9 license pursuant to section 598.23A, ~~the unit~~ child support
10 services may utilize the process established in this chapter
11 to collect support.

12 2. For cases in which services are provided by ~~the unit~~
13 child support services all of the following apply:

14 a. An obligor is subject to the provisions of this chapter
15 if the obligor's support obligation is being enforced by ~~the~~
16 unit child support services, if the support payments required
17 by a support order to be paid to the clerk of the district
18 court or the collection services center pursuant to section
19 598.22 are not paid and become delinquent in an amount equal
20 to the support payment for three months, and if the obligor's
21 situation meets other criteria specified under rules adopted by
22 the department pursuant to chapter 17A. The criteria specified
23 by rule shall include consideration of the length of time since
24 the obligor's last support payment and the total amount of
25 support owed by the obligor.

26 b. An individual is subject to the provisions of this
27 chapter if the individual has failed, after receiving
28 appropriate notice, to comply with a subpoena or warrant.

29 3. Actions initiated by ~~the unit~~ child support services
30 under this chapter shall not be subject to contested case
31 proceedings or further review pursuant to chapter 17A and any
32 resulting court hearing shall be an original hearing before the
33 district court.

34 4. Notwithstanding chapter 22, all of the following apply:

35 a. Information obtained by ~~the unit~~ child support services

1 under this chapter shall be used solely for the purposes of
2 this chapter or chapter 252B.

3 **b.** Information obtained by a licensing authority shall be
4 used solely for the purposes of this chapter.

5 Sec. 961. Section 252J.3, Code 2023, is amended to read as
6 follows:

7 **252J.3 Notice to individual of potential sanction of license.**

8 ~~The unit~~ Child support services shall proceed in accordance
9 with this chapter only if ~~the unit~~ child support services sends
10 a notice to the individual by regular mail to the last known
11 address of the individual. The notice shall include all of the
12 following:

13 1. The address and telephone number of ~~the unit~~ child
14 support services and ~~the unit~~ the child support services' case
15 number.

16 2. A statement that the obligor is not in compliance with
17 a support order or the individual has not complied with a
18 subpoena or warrant.

19 3. A statement that the individual may request a conference
20 with ~~the unit~~ child support services to contest the action.

21 4. A statement that if, within twenty days of mailing of
22 the notice to the individual, the individual fails to contact
23 ~~the unit~~ child support services to schedule a conference,
24 ~~the unit~~ child support services shall issue a certificate of
25 noncompliance, bearing the individual's name, social security
26 number and ~~unit~~ the child support services' case number, to any
27 appropriate licensing authority, certifying that the obligor is
28 not in compliance with a support order or an individual has not
29 complied with a subpoena or warrant.

30 5. A statement that in order to stay the issuance of a
31 certificate of noncompliance the request for a conference shall
32 be in writing and shall be received by ~~the unit~~ child support
33 services within twenty days of mailing of the notice to the
34 individual.

35 6. The names of the licensing authorities to which ~~the~~

1 ~~unit~~ child support services intends to issue a certificate of
2 noncompliance.

3 7. A statement that if ~~the-unit~~ child support services
4 issues a certificate of noncompliance to an appropriate
5 licensing authority, the licensing authority shall initiate
6 proceedings to refuse to issue or renew, or to suspend or
7 revoke the individual's license, unless ~~the-unit~~ child support
8 services provides the licensing authority with a withdrawal of
9 a certificate of noncompliance.

10 Sec. 962. Section 252J.4, Code 2023, is amended to read as
11 follows:

12 **252J.4 Conference.**

13 1. The individual may schedule a conference with ~~the-unit~~
14 child support services following mailing of the notice pursuant
15 to section 252J.3, or at any time after service of notice of
16 suspension, revocation, denial of issuance, or nonrenewal of
17 a license from a licensing authority, to challenge ~~the-unit's~~
18 child support services' actions under this chapter.

19 2. The request for a conference shall be made to ~~the-unit~~
20 child support services, in writing, and, if requested after
21 mailing of the notice pursuant to section 252J.3, shall be
22 received by ~~the-unit~~ child support services within twenty days
23 following mailing of the notice.

24 3. ~~The-unit~~ Child support services shall notify the
25 individual of the date, time, and location of the conference by
26 regular mail, with the date of the conference to be no earlier
27 than ten days following issuance of notice of the conference
28 by ~~the-unit~~ child support services, unless the individual and
29 ~~the-unit~~ child support services agree to an earlier date which
30 may be the same date the individual requests the conference.
31 If the individual fails to appear at the conference, ~~the~~
32 unit child support services shall issue a certificate of
33 noncompliance.

34 4. Following the conference, ~~the-unit~~ child support
35 services shall issue a certificate of noncompliance unless any

1 of the following applies:

2 ~~a. The unit~~ Child support services finds a mistake in the
3 identity of the individual.

4 ~~b. The unit~~ Child support services finds a mistake in
5 determining that the amount of delinquent support is equal to
6 or greater than three months.

7 ~~c. The obligor enters a written agreement with the unit~~
8 child support services to comply with a support order, the
9 obligor complies with an existing written agreement to comply
10 with a support order, or the obligor pays the total amount of
11 delinquent support due.

12 ~~d. Issuance of a certificate of noncompliance is not~~
13 appropriate under other criteria established in accordance with
14 rules adopted by the department pursuant to chapter 17A.

15 ~~e. The unit~~ Child support services finds a mistake in
16 determining the compliance of the individual with a subpoena
17 or warrant.

18 ~~f. The individual complies with a subpoena or warrant.~~

19 5. ~~The unit~~ Child support services shall grant the
20 individual a stay of the issuance of a certificate of
21 noncompliance upon receiving a timely written request
22 for a conference, and if a certificate of noncompliance
23 has previously been issued, shall issue a withdrawal of a
24 certificate of noncompliance if the obligor enters into a
25 written agreement with ~~the unit~~ child support services to
26 comply with a support order or if the individual complies with
27 a subpoena or warrant.

28 6. If the individual does not timely request a conference
29 or does not comply with a subpoena or warrant or if the
30 obligor does not pay the total amount of delinquent support
31 owed within twenty days of mailing of the notice pursuant to
32 section 252J.3, ~~the unit~~ child support services shall issue a
33 certificate of noncompliance.

34 Sec. 963. Section 252J.5, Code 2023, is amended to read as
35 follows:

1 **252J.5 Written agreement.**

2 1. If an obligor is subject to this chapter as established
3 in section 252J.2, subsection 2, paragraph "a", the obligor
4 and ~~the unit~~ child support services may enter into a written
5 agreement for payment of support and compliance which takes
6 into consideration the obligor's ability to pay and other
7 criteria established by rule of the department. The written
8 agreement shall include all of the following:

9 a. The method, amount, and dates of support payments by the
10 obligor.

11 b. A statement that upon breach of the written agreement
12 by the obligor, ~~the unit~~ child support services shall issue
13 a certificate of noncompliance to any appropriate licensing
14 authority.

15 2. A written agreement entered into pursuant to this section
16 does not preclude any other remedy provided by law and shall
17 not modify or affect an existing support order.

18 3. Following issuance of a certificate of noncompliance,
19 if the obligor enters into a written agreement with ~~the unit~~
20 child support services, ~~the unit~~ child support services shall
21 issue a withdrawal of the certificate of noncompliance to any
22 appropriate licensing authority and shall forward a copy of the
23 withdrawal by regular mail to the obligor.

24 Sec. 964. Section 252J.6, Code 2023, is amended to read as
25 follows:

26 **252J.6 Decision of ~~the unit~~ child support services.**

27 1. If an obligor is not in compliance with a support order
28 or the individual is not in compliance with a subpoena or
29 warrant pursuant to section 252J.2, ~~the unit~~ child support
30 services mails a notice to the individual pursuant to section
31 252J.3, and the individual requests a conference pursuant to
32 section 252J.4, ~~the unit~~ child support services shall issue a
33 written decision if any of the following conditions exists:

34 a. The individual fails to appear at a scheduled conference
35 under section 252J.4.

1 *b.* A conference is held under section 252J.4.

2 *c.* The obligor fails to comply with a written agreement
3 entered into by the obligor and ~~the unit~~ child support services
4 under section 252J.5.

5 2. ~~The unit~~ Child support services shall send a copy of
6 the written decision to the individual by regular mail at the
7 individual's most recent address of record. If the decision
8 is made to issue a certificate of noncompliance or to withdraw
9 the certificate of noncompliance, a copy of the certificate
10 of noncompliance or of the withdrawal of the certificate of
11 noncompliance shall be attached to the written decision. The
12 written decision shall state all of the following:

13 *a.* That the certificate of noncompliance or withdrawal
14 of the certificate of noncompliance has been provided to the
15 licensing authorities named in the notice provided pursuant to
16 section 252J.3.

17 *b.* That upon receipt of a certificate of noncompliance,
18 the licensing authority shall initiate proceedings to suspend,
19 revoke, deny issuance, or deny renewal of a license, unless
20 the licensing authority is provided with a withdrawal of a
21 certificate of noncompliance from ~~the unit~~ child support
22 services.

23 *c.* That in order to obtain a withdrawal of a certificate of
24 noncompliance from ~~the unit~~ child support services, the obligor
25 shall enter into a written agreement with ~~the unit~~ child
26 support services, comply with an existing written agreement
27 with ~~the unit~~ child support services, or pay the total amount
28 of delinquent support owed or the individual shall comply with
29 a subpoena or warrant.

30 *d.* That if ~~the unit~~ child support services issues a written
31 decision which includes a certificate of noncompliance, ~~that~~
32 all of the following apply:

33 (1) The individual may request a hearing as provided in
34 section 252J.9, before the district court as follows:

35 (a) If the action is a result of section 252J.2, subsection

1 2, paragraph "a", in the county in which the underlying support
2 order is filed, by filing a written application to the court
3 challenging the issuance of the certificate of noncompliance
4 by ~~the unit~~ child support services and sending a copy of the
5 application to ~~the unit~~ child support services within the time
6 period specified in section 252J.9.

7 (b) If the action is a result of section 252J.2, subsection
8 2, paragraph "b", and the individual is not an obligor, in the
9 county in which the dependent child or children reside if the
10 child or children reside in Iowa; in the county in which the
11 dependent child or children last received public assistance if
12 the child or children received public assistance in Iowa; or
13 in the county in which the individual resides if the action is
14 the result of a request from a child support agency in another
15 state or foreign country.

16 (2) The individual may retain an attorney at the
17 individual's own expense to represent the individual at the
18 hearing.

19 (3) The scope of review of the district court shall be
20 limited to demonstration of a mistake of fact related to the
21 delinquency of the obligor or the compliance of the individual
22 with a subpoena or warrant.

23 3. If ~~the unit~~ child support services issues a certificate
24 of noncompliance, ~~the unit~~ child support services shall only
25 issue a withdrawal of the certificate of noncompliance if any
26 of the following applies:

27 a. ~~The unit~~ Child support services or the court finds a
28 mistake in the identity of the individual.

29 b. ~~The unit~~ Child support services finds a mistake in
30 determining compliance with a subpoena or warrant.

31 c. ~~The unit~~ Child support services or the court finds a
32 mistake in determining that the amount of delinquent support
33 due is equal to or greater than three months.

34 d. The obligor enters a written agreement with ~~the unit~~
35 child support services to comply with a support order, the

1 obligor complies with an existing written agreement to comply
2 with a support order, or the obligor pays the total amount of
3 delinquent support owed.

4 e. The individual complies with the subpoena or warrant.

5 f. Issuance of a withdrawal of the certificate of
6 noncompliance is appropriate under other criteria in accordance
7 with rules adopted by the department pursuant to chapter 17A.

8 Sec. 965. Section 252J.7, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. If the individual fails to respond to the notice of
11 potential license sanction provided pursuant to section 252J.3
12 or ~~the unit~~ child support services issues a written decision
13 under section 252J.6 which states that the individual is not
14 in compliance, ~~the unit~~ child support services shall issue
15 a certificate of noncompliance to any appropriate licensing
16 authority.

17 Sec. 966. Section 252J.8, subsection 2, Code 2023, is
18 amended to read as follows:

19 2. In addition to other grounds for suspension, revocation,
20 or denial of issuance or renewal of a license, a licensing
21 authority shall include in rules adopted by the licensing
22 authority as grounds for suspension, revocation, or denial of
23 issuance or renewal of a license, the receipt of a certificate
24 of noncompliance from ~~the unit~~ child support services.

25 Sec. 967. Section 252J.8, subsection 4, paragraph c,
26 subparagraphs (1), (2), and (3), Code 2023, are amended to read
27 as follows:

28 (1) The licensing authority intends to suspend, revoke, or
29 deny issuance or renewal of an individual's license due to the
30 receipt of a certificate of noncompliance from ~~the unit~~ child
31 support services.

32 (2) The individual must contact ~~the unit~~ child support
33 services to schedule a conference or to otherwise obtain a
34 withdrawal of a certificate of noncompliance.

35 (3) Unless ~~the unit~~ child support services furnishes a

1 withdrawal of a certificate of noncompliance to the licensing
2 authority within thirty days of the issuance of the notice
3 under this section, the individual's license will be revoked,
4 suspended, or denied.

5 Sec. 968. Section 252J.8, subsection 5, Code 2023, is
6 amended to read as follows:

7 5. If the licensing authority receives a withdrawal of
8 a certificate of noncompliance from ~~the unit~~ child support
9 services, the licensing authority shall immediately reinstate,
10 renew, or issue a license if the individual is otherwise in
11 compliance with licensing requirements established by the
12 licensing authority.

13 Sec. 969. Section 252J.9, subsection 1, unnumbered
14 paragraph 1, Code 2023, is amended to read as follows:

15 Following the issuance of a written decision by ~~the unit~~
16 child support services under section 252J.6 which includes
17 the issuance of a certificate of noncompliance, or following
18 provision of notice to the individual by a licensing authority
19 pursuant to section 252J.8, an individual may seek review of
20 the decision and request a hearing before the district court
21 as follows:

22 Sec. 970. Section 252J.9, subsection 1, paragraph a, Code
23 2023, is amended to read as follows:

24 a. If the action is a result of section 252J.2, subsection
25 2, paragraph "a", in the county in which the underlying support
26 order is filed, by filing an application with the district
27 court, and sending a copy of the application to ~~the unit~~ by
28 ~~regular mail~~ child support services.

29 Sec. 971. Section 252J.9, subsections 2 and 6, Code 2023,
30 are amended to read as follows:

31 2. An application shall be filed to seek review of the
32 decision by ~~the unit~~ child support services or following
33 issuance of notice by the licensing authority no later than
34 within thirty days after the issuance of the notice pursuant to
35 section 252J.8. The clerk of the district court shall schedule

1 a hearing and mail a copy of the order scheduling the hearing
 2 to the individual and ~~the unit~~ child support services and shall
 3 also mail a copy of the order to the licensing authority, if
 4 applicable. ~~The unit~~ Child support services shall certify a
 5 copy of its written decision and certificate of noncompliance,
 6 indicating the date of issuance, and the licensing authority
 7 shall certify a copy of a notice issued pursuant to section
 8 252J.8, to the court prior to the hearing.

9 6. If the court finds that ~~the unit~~ child support services
 10 was in error in issuing a certificate of noncompliance,
 11 or in failing to issue a withdrawal of a certificate of
 12 noncompliance, ~~the unit~~ child support services shall issue a
 13 withdrawal of a certificate of noncompliance to the appropriate
 14 licensing authority.

15 Sec. 972. Section 252K.103, Code 2023, is amended to read
 16 as follows:

17 **252K.103 State tribunal and support enforcement agency.**

18 1. ~~The child~~ Child support ~~recovery unit~~ services when
 19 ~~the unit~~ child support services establishes or modifies an
 20 order, upon ratification by the court, and the court, are the
 21 tribunals of this state.

22 2. ~~The child~~ Child support ~~recovery unit~~ services created in
 23 section 252B.2 is the support enforcement agency of this state.

24 Sec. 973. Section 252K.201, subsection 1, paragraph g, Code
 25 2023, is amended to read as follows:

26 g. The individual asserted parentage of a child in the
 27 declaration of paternity registry maintained in this state
 28 by the ~~Iowa~~ department of ~~public~~ health and human services
 29 pursuant to section 144.12A or established paternity by
 30 affidavit under section 252A.3A.

31 Sec. 974. Section 252K.310, subsection 1, Code 2023, is
 32 amended to read as follows:

33 1. ~~The child~~ Child support ~~recovery unit~~ services is the
 34 state information agency under this chapter.

35 Sec. 975. Section 252K.319, subsection 2, unnumbered

1 paragraph 1, Code 2023, is amended to read as follows:

2 If neither the obligor, nor the obligee who is an individual,
3 nor the child resides in this state, upon request from the
4 support enforcement agency of this state or another state, ~~the~~
5 child support ~~recovery unit~~ services or a tribunal of this
6 state shall:

7 Sec. 976. Section 252K.703, Code 2023, is amended to read
8 as follows:

9 **252K.703 Relationship of child support ~~recovery unit~~ services**
10 **to United States central authority.**

11 ~~The child~~ Child support ~~recovery unit~~ services of this state
12 is recognized as the agency designated by the United States
13 central authority to perform specific functions under the
14 convention.

15 Sec. 977. Section 252K.704, Code 2023, is amended to read
16 as follows:

17 **252K.704 Initiation by child support ~~recovery unit~~ services**
18 **of support proceeding under convention.**

19 1. In a support proceeding under this article, ~~the~~ child
20 support ~~recovery unit~~ services of this state shall:

21 a. Transmit and receive applications.

22 b. Initiate or facilitate the institution of a proceeding
23 regarding an application in a tribunal of this state.

24 2. The following support proceedings are available to an
25 obligee under the convention:

26 a. Recognition or recognition and enforcement of a foreign
27 support order.

28 b. Enforcement of a support order issued or recognized in
29 this state.

30 c. Establishment of a support order if there is no existing
31 order, including, if necessary, determination of parentage of a
32 child.

33 d. Establishment of a support order if recognition of
34 a foreign support order is refused under section 252K.708,
35 subsection 2, paragraph "b", "d", or "i".

1 e. Modification of a support order of a tribunal of this
2 state.

3 f. Modification of a support order of a tribunal of another
4 state or a foreign country.

5 3. The following support proceedings are available under
6 the convention to an obligor against which there is an existing
7 support order:

8 a. Recognition of an order suspending or limiting
9 enforcement of an existing support order of a tribunal of this
10 state.

11 b. Modification of a support order of a tribunal of this
12 state.

13 c. Modification of a support order of a tribunal of another
14 state or a foreign country.

15 4. A tribunal of this state may not require security, bond,
16 or deposit, however described, to guarantee the payment of
17 costs and expenses in proceedings under the convention.

18 Sec. 978. Section 252K.705, subsection 4, Code 2023, is
19 amended to read as follows:

20 4. A petitioner filing a direct request is not entitled to
21 assistance from ~~the child support recovery unit~~ services.

22 Sec. 979. Section 252K.708, subsection 3, paragraph b, Code
23 2023, is amended to read as follows:

24 b. ~~The child~~ Child support ~~recovery unit~~ services shall take
25 all appropriate measures to request a child support order for
26 the obligee if the application for recognition and enforcement
27 was received under section 252K.704.

28 Sec. 980. Section 256.1, subsection 1, paragraph e, Code
29 2023, is amended to read as follows:

30 e. Educational supervision over the elementary and secondary
31 schools under the control of ~~an administrator of a division of~~
32 the department of health and human services.

33 Sec. 981. Section 256.9, subsection 15, Code 2023, is
34 amended to read as follows:

35 15. Provide the same educational supervision for the

1 schools maintained by the director of health and human services
2 as is provided for the public schools of the state and make
3 recommendations to the director of health and human services
4 for the improvement of the educational program in those
5 institutions.

6 Sec. 982. Section 256.9, subsection 31, paragraph b, Code
7 2023, is amended to read as follows:

8 b. Standards and materials developed shall include materials
9 which employ developmentally appropriate practices and
10 incorporate substantial parental involvement. The materials
11 and standards shall include alternative teaching approaches
12 including collaborative teaching and alternative dispute
13 resolution training. The department shall consult with the
14 child development coordinating council, the state child care
15 advisory committee established pursuant to section 135.173A,
16 the department of health and human services, the state board
17 of regents center for early developmental education, the
18 area education agencies, the department of human development
19 and family studies in the college of human sciences at
20 Iowa state university of science and technology, the early
21 childhood elementary division of the college of education at
22 the university of Iowa, and the college of education at the
23 university of northern Iowa, in developing these standards and
24 materials.

25 Sec. 983. Section 256.9, subsection 46, paragraph a, Code
26 2023, is amended to read as follows:

27 a. Develop and make available to school districts, examples
28 of age-appropriate and research-based materials and lists
29 of resources which parents may use to teach their children
30 to recognize unwanted physical and verbal sexual advances,
31 to not make unwanted physical and verbal sexual advances,
32 to effectively reject unwanted sexual advances, that it is
33 wrong to take advantage of or exploit another person, about
34 the dangers of sexual exploitation by means of the internet
35 including specific strategies to help students protect

1 themselves and their personally identifiable information
2 from such exploitation, and about counseling, medical, and
3 legal resources available to survivors of sexual abuse and
4 sexual assault, including resources for escaping violent
5 relationships. The materials and resources shall cover verbal,
6 physical, and visual sexual harassment, including nonconsensual
7 sexual advances, and nonconsensual physical sexual contact. In
8 developing the materials and resource list, the director shall
9 consult with entities that shall include but not be limited to
10 the departments of health and human services, ~~public health~~,
11 and public safety, education stakeholders, and parent-teacher
12 organizations. School districts shall provide age-appropriate
13 and research-based materials and a list of available community
14 and internet-based resources to parents at registration and
15 shall also include the age-appropriate and research-based
16 materials and resource list in the student handbook. School
17 districts are encouraged to work with their communities to
18 provide voluntary parent education sessions to provide parents
19 with the skills and appropriate strategies to teach their
20 children as described in this subsection. School districts
21 shall incorporate the age-appropriate and research-based
22 materials into relevant curricula and shall reinforce the
23 importance of preventive measures when reasonable with parents
24 and students.

25 Sec. 984. Section 256.9, subsection 50, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:

27 Convene, in collaboration with the department of ~~public~~
28 health and human services, a nutrition advisory panel to
29 review research in pediatric nutrition conducted in compliance
30 with accepted scientific methods by recognized professional
31 organizations and agencies including but not limited to the
32 institute of medicine. The advisory panel shall submit its
33 findings and recommendations, which shall be consistent with
34 the dietary guidelines for Americans published jointly by the
35 United States department of health and human services and

1 department of agriculture if in the judgment of the advisory
2 panel the guidelines are supported by the research findings, in
3 a report to the state board. The advisory panel may submit to
4 the state board recommendations on standards related to federal
5 school food programs if the recommendations are intended to
6 exceed the existing federal guidelines. The state board
7 shall consider the advisory panel report when establishing or
8 amending the nutritional content standards required pursuant
9 to section 256.7, subsection 29. The director shall convene
10 the advisory panel by July 1, 2008, and every five years
11 thereafter to review the report and make recommendations for
12 changes as appropriate. The advisory panel shall include
13 but is not limited to at least one Iowa state university
14 extension nutrition and health field specialist and at least
15 one representative from each of the following:

16 Sec. 985. Section 256.11, subsection 5, paragraph j,
17 subparagraph (1), Code 2023, is amended to read as follows:

18 (1) One unit of health education which shall include
19 personal health; food and nutrition; environmental health;
20 safety and survival skills; consumer health; family life;
21 age-appropriate and research-based human growth and
22 development; substance ~~abuse~~ use disorder and nonuse; emotional
23 and social health; health resources; and prevention and control
24 of disease, including age-appropriate and research-based
25 information regarding sexually transmitted diseases, including
26 HPV and the availability of a vaccine to prevent HPV, and
27 acquired immune deficiency syndrome.

28 Sec. 986. Section 256.16, subsection 1, paragraphs b and 1,
29 Code 2023, are amended to read as follows:

30 b. Include in the professional education program,
31 preparation that contributes to the education of students
32 with disabilities and students who are gifted and talented,
33 preparation in developing and implementing individualized
34 education programs and behavioral intervention plans,
35 preparation for educating individuals in the least restrictive

1 environment and identifying that environment, strategies that
2 address difficult and violent student behavior and improve
3 academic engagement and achievement, and preparation in
4 classroom management addressing high-risk behaviors including
5 but not limited to behaviors related to substance ~~abuse~~ use
6 disorder. Preparation required under this paragraph must be
7 successfully completed before graduation from the practitioner
8 preparation program.

9 1. If the rules adopted by the board of educational
10 examiners for issuance of any type or class of license require
11 an applicant to complete work in student teaching, pre-student
12 teaching experiences, field experiences, practicums, clinicals,
13 or internships, enter into a written contract with any school
14 district, accredited nonpublic school, preschool registered or
15 licensed by the department of health and human services, or
16 area education agency in Iowa, to provide for such work under
17 terms and conditions as agreed upon by the contracting parties.
18 The terms and conditions of a written contract entered into
19 with a preschool pursuant to this paragraph shall require
20 that a student teacher be under the direct supervision of an
21 appropriately licensed cooperating teacher who is employed
22 to teach at the preschool. Students actually teaching or
23 engaged in preservice licensure activities in a school district
24 under the terms of such a contract are entitled to the same
25 protection under section 670.8 as is afforded by that section
26 to officers and employees of the school district, during the
27 time such students are so assigned.

28 Sec. 987. Section 256.35A, subsection 2, paragraph b, Code
29 2023, is amended to read as follows:

30 b. In addition, representatives of the department of
31 education, the division of vocational rehabilitation of the
32 department of ~~education~~ workforce development, ~~the department~~
33 ~~of public health~~, the department of health and human services,
34 the Iowa developmental disabilities council, the division
35 of insurance of the department of commerce, and the state

1 board of regents shall serve as ex officio members of the
 2 advisory council. Ex officio members shall work together in
 3 a collaborative manner to serve as a resource to the advisory
 4 council. The council may also form workgroups as necessary
 5 to address specific issues within the technical purview of
 6 individual members.

7 Sec. 988. Section 256.39, subsection 5, Code 2023, is
 8 amended to read as follows:

9 5. In developing career pathways program efforts, each
 10 consortium shall make every effort to cooperate with the
 11 juvenile courts, the economic development authority, the
 12 department of workforce development, the department of health
 13 and human services, and the new Iowa schools development
 14 corporation.

15 Sec. 989. Section 256.46, subsection 1, paragraph g, Code
 16 2023, is amended to read as follows:

17 g. The child is a participant in a substance ~~abuse~~ use
 18 disorder or mental health program.

19 Sec. 990. Section 256A.2, Code 2023, is amended to read as
 20 follows:

21 **256A.2 Child development coordinating council established.**

22 1. A child development coordinating council is established
 23 to promote the provision of child development services to
 24 at-risk three-year-old and four-year-old children. The council
 25 shall consist of the following members:

26 ~~a. The administrator of the division of adult, children~~
 27 ~~and family services of the department of human services or the~~
 28 ~~administrator's designee.~~

29 ~~b.~~ a. The director of the department of education or the
 30 director's designee.

31 ~~c.~~ b. The director of health and human services or the
 32 director's designee.

33 ~~d. The director of the department of public health or the~~
 34 ~~director's designee.~~

35 ~~e.~~ c. An early childhood specialist of an area education

1 agency selected by the area education agency administrators.
 2 ~~f.~~ d. The dean of the college of human sciences at Iowa
 3 state university of science and technology or the dean's
 4 designee.

5 ~~g.~~ e. The dean of the college of education from the
 6 university of northern Iowa or the dean's designee.

7 ~~h.~~ f. The professor and head of the department of
 8 pediatrics at the university of Iowa or the professor's
 9 designee.

10 ~~i.~~ g. A resident of this state who is a parent of a child
 11 who is or has been served by a federal head start program.

12 2. Staff assistance for the council shall be provided by
 13 the department of education. Members of the council shall be
 14 reimbursed for actual and necessary expenses incurred while
 15 engaged in their official duties and shall receive per diem
 16 compensation at the level authorized under section 7E.6,
 17 subsection 1, paragraph "a".

18 Sec. 991. Section 256B.2, subsection 2, paragraph c, Code
 19 2023, is amended to read as follows:

20 c. For those children who cannot adapt to the regular
 21 educational or home living conditions, and who are attending
 22 facilities under chapters 263, 269, and 270, upon the request
 23 of the board of directors of an area education agency,
 24 the department of health and human services shall provide
 25 residential or detention facilities and the area education
 26 agency shall provide special education programs and services.
 27 The area education agencies shall cooperate with the board of
 28 regents to provide the services required by this chapter.

29 Sec. 992. Section 256B.3, subsection 9, Code 2023, is
 30 amended to read as follows:

31 9. To cooperate with existing agencies such as the
 32 department of health and human services, ~~the Iowa department of~~
 33 ~~public health~~, the Iowa school for the deaf, the Iowa braille
 34 and sight saving school, the children's hospitals, or other
 35 agencies concerned with the welfare and health of children

1 requiring special education in the coordination of their
2 educational activities for such children.

3 Sec. 993. Section 256B.5, Code 2023, is amended to read as
4 follows:

5 **256B.5 Information available upon request by bureau.**

6 The ~~Iowa~~ department of ~~public~~ health and human services
7 shall furnish to the state bureau of special education
8 upon request information obtained from birth certificates
9 relative to the name, address, and disability of any case of
10 developmental disability. The state child health specialty
11 clinics of the university of Iowa shall upon request furnish to
12 the state bureau of special education the name, address, and
13 disability of all children of their register.

14 Sec. 994. Section 256B.10, subsection 1, paragraph a, Code
15 2023, is amended to read as follows:

16 a. The department of education shall work with the state
17 school for the deaf, the area education agencies, school
18 districts, and the early hearing detection and intervention
19 program in the ~~Iowa~~ department of ~~public~~ health and human
20 services for purposes of coordinating, developing, and
21 disseminating resources for use by parents or guardians, early
22 hearing detection and intervention programs, the state school
23 for the deaf, area education agencies, school districts, and
24 accredited nonpublic schools to inform deaf and hard-of-hearing
25 children's expressive and receptive language acquisition or
26 development.

27 Sec. 995. Section 256B.10, subsection 3, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 The department of education, in consultation with the state
30 school for the deaf, the area education agencies, school
31 districts, and the early hearing detection and intervention
32 program in the ~~Iowa~~ department of ~~public~~ health and human
33 services, shall select existing tools or assessments that may
34 be used by qualified educators to assess American sign language
35 and English language and literacy development of deaf and

1 hard-of-hearing children from birth through age eight.

2 Sec. 996. Section 256B.10, subsection 5, paragraph b, Code
3 2023, is amended to read as follows:

4 b. The department of education shall work with the early
5 hearing detection and intervention program in the ~~Iowa~~
6 department of ~~public~~ health and human services, the state
7 school for the deaf, and the area education agencies when
8 developing the guidelines. The department of education,
9 in consultation with the Iowa school for the deaf, shall
10 administer the family support mentoring program for deaf or
11 hard-of-hearing children.

12 Sec. 997. Section 256B.10, subsection 5, paragraph d,
13 subparagraph (5), Code 2023, is amended to read as follows:

14 (5) Reach out to parents of children identified through
15 the early hearing detection and intervention program in the
16 ~~Iowa~~ department of ~~public~~ health and human services and share
17 information about the family support mentoring program services
18 available to such parents.

19 Sec. 998. Section 256B.10, subsection 5, paragraph e, Code
20 2023, is amended to read as follows:

21 e. The department of education shall coordinate family
22 support mentoring activities with the early hearing detection
23 and intervention program in the ~~Iowa~~ department of ~~public~~
24 health and human services, the state school for the deaf, the
25 area education agencies, and nonprofit organizations that
26 provide family support mentoring to parents with deaf or
27 hard-of-hearing children.

28 Sec. 999. Section 256B.15, subsections 7, 9, and 10, Code
29 2023, are amended to read as follows:

30 7. The area education agencies shall transfer to the
31 department of health and human services an amount equal to
32 the nonfederal share of the payments to be received from the
33 medical assistance program pursuant to chapter 249A. The
34 nonfederal share amount shall be transferred to the medical
35 assistance account prior to claims payment. This requirement

1 does not apply to medical assistance reimbursement for
 2 services provided by an area education agency under part C
 3 of the federal Individuals With Disabilities Education Act.
 4 Funds received under this section shall not be considered or
 5 included as part of the area education agencies' budgets when
 6 calculating funds that are to be received by area education
 7 agencies during a fiscal year.

8 9. The department of education and the department of health
 9 and human services shall adopt rules to implement this section.

10 10. The department of health and human services shall offer
 11 assistance to the area education agencies in the identification
 12 of children eligible for reimbursement for services under this
 13 section.

14 Sec. 1000. Section 256I.1, Code 2023, is amended to read as
 15 follows:

16 **256I.1 Definitions.**

17 For the purposes of this chapter, unless the context
 18 otherwise requires:

19 1. "*Department*" means the department of ~~management~~ health
 20 and human services.

21 2. "*Desired results*" means the set of desired results for
 22 improving the quality of life in this state for young children
 23 and their families identified in section 256I.2.

24 3. "*Early care*", "*early care services*", or "*early care*
 25 *system*" means the programs, services, support, or other
 26 assistance made available to a parent or other person who is
 27 involved with addressing the health and education needs of a
 28 child from zero through age five. "*Early care*", "*early care*
 29 *services*", or "*early care system*" includes but is not limited to
 30 public and private efforts and formal and informal settings.

31 4. "*Early childhood Iowa area*" means a geographic area
 32 designated in accordance with this chapter.

33 5. "*Early childhood Iowa area board*" or "*area board*"
 34 means the board for an early childhood Iowa area created in
 35 accordance with this chapter.

1 6. "Early childhood Iowa program" or "program" means the
2 early childhood Iowa program established in section 256I.5.

3 ~~6.~~ 7. "Early childhood Iowa state board" or "state board"
4 means the early childhood Iowa state board created in section
5 256I.3.

6 Sec. 1001. Section 256I.3, subsection 2, paragraph a, Code
7 2023, is amended to read as follows:

8 a. The board shall consist of ~~twenty-one~~ nineteen voting
9 members with fifteen citizen members and ~~six~~ four state agency
10 members. The ~~six~~ state agency members shall be the directors
11 or their designees of the following agencies: economic
12 development authority, education, ~~human rights,~~ health and
13 human services, ~~public health,~~ and workforce development.
14 The designees of state agency directors shall be selected on
15 an annual basis. The citizen members shall be appointed by
16 the governor, subject to confirmation by the senate. The
17 governor's appointments of citizen members shall be made in
18 a manner so that each of the state's congressional districts
19 is represented by at least two citizen members and so that
20 all the appointments as a whole reflect the ethnic, cultural,
21 social, and economic diversity of the state. A member of the
22 state board shall not be a provider of services or other entity
23 receiving funding through the early childhood Iowa initiative
24 or be employed by such a provider or other entity.

25 Sec. 1002. Section 256I.4, subsection 15, Code 2023, is
26 amended to read as follows:

27 15. Work with the early childhood Iowa ~~office~~ program
28 in building public-private partnerships for promoting the
29 collaborative early care, education, health, and human services
30 system.

31 Sec. 1003. Section 256I.5, subsection 2, Code 2023, is
32 amended to read as follows:

33 2. An early childhood Iowa ~~office~~ program is established
34 in the department to provide leadership for facilitation,
35 communication, and coordination for the early childhood Iowa

1 initiative activities and funding and for improvement of the
2 early care, education, health, and human services systems. An
3 administrator for the early childhood Iowa office program shall
4 be appointed by the director of the department. Other staff
5 may also be designated, subject to appropriation made for this
6 purpose.

7 Sec. 1004. Section 256I.5, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. The office program shall work with the state and
10 area boards to provide leadership for comprehensive system
11 development. The office program shall also do all of the
12 following:

13 a. Enter into memoranda of agreement with the departments
14 of education, ~~human rights, human services, public health,~~ and
15 workforce development and the economic development authority to
16 formalize the commitments of the respective departments and the
17 authority to collaborating with and integrating a comprehensive
18 early care, education, health, and human services system.

19 Items addressed in the memoranda shall include but are not
20 limited to data sharing and providing staffing to the technical
21 assistance team.

22 b. Work with private businesses, foundations, and nonprofit
23 organizations to develop sustained funding.

24 c. Maintain the internet site in accordance with section
25 256I.10.

26 d. Propose any needed revisions to administrative rules
27 based on stakeholder input.

28 e. Provide technical support to the state and area boards
29 and to the early childhood Iowa areas through staffing services
30 made available through the state agencies that serve on the
31 state board.

32 f. Develop, collect, disseminate, and provide guidance for
33 common performance measures for the programs receiving funding
34 under the auspices of the area boards.

35 g. If a disagreement arises within an early childhood Iowa

1 area regarding the interests represented on the area's board,
2 board decisions, or other disputes that cannot be locally
3 resolved, upon request, provide state or regional technical
4 assistance as deemed appropriate by the ~~office~~ program to
5 assist the area in resolving the disagreement.

6 Sec. 1005. Section 256I.11, subsection 2, unnumbered
7 paragraph 1, Code 2023, is amended to read as follows:

8 A school ready children grants account is created in the
9 fund under the authority of the director of the department of
10 education. Moneys credited to the account are appropriated
11 to and shall be distributed by the department of education in
12 the form of grants to early childhood Iowa areas pursuant to
13 criteria established by the state board in accordance with law.

14 Sec. 1006. Section 256I.11, subsection 4, paragraphs a, b,
15 and c, Code 2023, are amended to read as follows:

16 a. An early childhood programs grant account is created in
17 the fund under the authority of the director of the department
18 ~~of human services~~. Moneys credited to the account are
19 appropriated to and shall be distributed by the department ~~of~~
20 ~~human services~~ in the form of grants to early childhood Iowa
21 areas pursuant to criteria established by the state board in
22 accordance with law. The criteria shall include but are not
23 limited to a requirement that an early childhood Iowa area must
24 be designated by the state board in order to be eligible to
25 receive an early childhood programs grant.

26 b. An early childhood Iowa area receiving funding from
27 the early childhood programs grant account shall comply with
28 any federal reporting requirements associated with the use
29 of that funding and other results and reporting requirements
30 established by the state board. The department ~~of human~~
31 ~~services~~ shall provide technical assistance in identifying and
32 meeting the federal requirements. The availability of funding
33 provided from the account is subject to changes in federal
34 requirements and amendments to Iowa law.

35 c. The moneys distributed from the early childhood programs

1 grant account shall be used by early childhood Iowa areas
2 for the purposes of enhancing quality child care capacity in
3 support of parent capability to obtain or retain employment.
4 The moneys shall be used with a primary emphasis on low-income
5 families and children from zero to age five. Moneys shall be
6 provided in a flexible manner and shall be used to implement
7 strategies identified by the early childhood Iowa area to
8 achieve such purposes. The department ~~of human services~~ may
9 use a portion of the funding appropriated to the department
10 under this subsection for provision of technical assistance and
11 other support to the early childhood Iowa areas developing and
12 implementing strategies with grant moneys distributed from the
13 account.

14 Sec. 1007. Section 256I.11, subsection 5, Code 2023, is
15 amended to read as follows:

16 5. A first years first account is created in the fund under
17 the authority of the department ~~of management~~. The account
18 shall consist of gift or grant moneys obtained from any source,
19 including but not limited to the federal government. Moneys
20 credited to the account are appropriated to the department to
21 be used for the early childhood-related purposes for which the
22 moneys were received.

23 Sec. 1008. Section 256I.12, subsections 6 and 7, Code 2023,
24 are amended to read as follows:

25 6. *Steering committee.* The early childhood stakeholders
26 alliance shall operate with a steering committee to organize,
27 manage, and coordinate the activities of the alliance and its
28 component groups. The steering committee may act on behalf of
29 the alliance as necessary. The steering committee membership
30 shall consist of the co-chairpersons of the alliance's
31 component groups, the administrator of the early childhood Iowa
32 office program, and other leaders designated by the alliance.

33 7. *Component groups.* The early childhood stakeholders
34 alliance shall maintain component groups to address the
35 key components of the Iowa early childhood system. Each

1 component group shall have one private and one public agency
 2 co-chairperson. The alliance may change the component groups
 3 as deemed necessary by the alliance. ~~Initially, there shall~~
 4 ~~be a component group for each of the following:~~ The component
 5 groups shall implement the strategic plan created pursuant to
 6 section 256I.4.

- 7 ~~a. Governance planning and administration.~~
- 8 ~~b. Professional development.~~
- 9 ~~c. Public engagement.~~
- 10 ~~d. Quality services and programs.~~
- 11 ~~e. Resources and funding.~~
- 12 ~~f. Results accountability.~~

13 Sec. 1009. Section 256I.13, subsection 1, Code 2023, is
 14 amended to read as follows:

15 1. In order to implement the legislative intent stated in
 16 sections 135.106 and 256I.9, that priority for family support
 17 program funding be given to programs using evidence-based or
 18 promising models for family support, it is the intent of the
 19 general assembly that ~~by July 1, 2016,~~ ninety percent of state
 20 funds expended for family support programs shall be used for
 21 evidence-based or promising program models. The remaining ten
 22 percent of funds may be used for innovative program models that
 23 do not yet meet the definition of evidence-based or promising
 24 programs.

25 Sec. 1010. Section 256I.13, subsection 3, paragraphs b and
 26 e, Code 2023, are amended to read as follows:

27 ~~b.~~ The data on families served that is collected by the
 28 family support programs funded through the early childhood
 29 Iowa initiative shall include but is not limited to basic
 30 demographic information, services received, funding utilized,
 31 and program outcomes for the children and families served. The
 32 state board shall adopt performance benchmarks for the family
 33 support programs ~~and shall revise the Iowa family support~~
 34 ~~credential to incorporate the performance benchmarks on or~~
 35 ~~before January 1, 2014.~~

1 e. The state board shall develop a plan to implement a
2 coordinated intake and referral process for publicly funded
3 family support programs in order to engage the families
4 expecting a child or with newborn and infant children through
5 age five in all communities in the state ~~by July 1, 2015.~~

6 Sec. 1011. Section 257.11, subsection 4, paragraph e,
7 subparagraphs (2) and (3), Code 2023, are amended to read as
8 follows:

9 (2) The pupil is not in a court-ordered placement under
10 chapter 232 under the care and custody of the department of
11 health and human services or juvenile court services.

12 (3) The pupil is not in the state training school pursuant
13 to a court order entered under chapter 232 under the care and
14 custody of the department of health and human services.

15 Sec. 1012. Section 257.41, subsection 4, paragraphs b and c,
16 Code 2023, are amended to read as follows:

17 b. The student is not in a court-ordered placement under
18 chapter 232 under the care and custody of the department of
19 health and human services or juvenile court services.

20 c. The student is not in the state training school pursuant
21 to a court order entered under chapter 232 under the care and
22 custody of the department of health and human services.

23 Sec. 1013. Section 260C.40, Code 2023, is amended to read
24 as follows:

25 **260C.40 Prohibition of controlled substances.**

26 Each community college shall adopt a policy that prohibits
27 unlawful possession, use, or distribution of controlled
28 substances by students and employees on property owned
29 or leased by the community college or in conjunction with
30 activities sponsored by a community college. Each community
31 college shall provide information about the policy to all
32 students and employees. The policy shall include a clear
33 statement of sanctions for violation of the policy and
34 information about available drug or alcohol counseling and
35 rehabilitation programs. In carrying out this policy, the

1 community college shall provide substance ~~abuse~~ use disorder
2 prevention programs for students and employees.

3 Sec. 1014. Section 261.2, subsection 6, Code 2023, is
4 amended to read as follows:

5 6. Develop and implement, in cooperation with the
6 department of health and human services and the judicial
7 branch, a program to assist juveniles who are sixteen years of
8 age or older and who have a case permanency plan under chapter
9 232 or 237 or are otherwise under the jurisdiction of chapter
10 232 in applying for federal and state aid available for higher
11 education.

12 Sec. 1015. Section 261.9, subsection 1, paragraph e, Code
13 2023, is amended to read as follows:

14 e. Adopts a policy that prohibits unlawful possession,
15 use, or distribution of controlled substances by students and
16 employees on property owned or leased by the institution or
17 in conjunction with activities sponsored by the institution.
18 Each institution shall provide information about the policy
19 to all students and employees. The policy shall include a
20 clear statement of sanctions for violation of the policy
21 and information about available drug or alcohol counseling
22 and rehabilitation programs. In carrying out this policy,
23 an institution shall provide substance ~~abuse~~ use disorder
24 prevention programs for students and employees.

25 Sec. 1016. Section 261.71, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. For purposes of this section "*graduate student*" means
28 a student who has completed at least ninety semester hours,
29 or the trimester or quarter equivalent, of postsecondary
30 course work at a public higher education institution or at an
31 accredited private institution, as defined under section 261.9.
32 "*Underserved area*" means a geographical area included on the
33 Iowa governor's health practitioner shortage area list, which
34 is compiled by the ~~center for rural health and primary care~~
35 ~~of the Iowa~~ department of public health and human services.

1 The commission shall adopt rules, consistent with rules used
 2 for students enrolled in higher education institutions under
 3 the control of the state board of regents, for purposes of
 4 determining Iowa residency status of graduate students under
 5 this section. The commission shall also adopt rules which
 6 provide standards, guidelines, and procedures for the receipt,
 7 processing, and administration of student applications and
 8 loans under this section.

9 Sec. 1017. Section 261.87, subsection 1, paragraph b, Code
 10 2023, is amended to read as follows:

11 *b. "Eligible foster care student"* means a person who has a
 12 high school diploma or a high school equivalency diploma under
 13 chapter 259A and is described by any of the following:

14 (1) Is age seventeen and is in a court-ordered placement
 15 under chapter 232 under the care and custody of the department
 16 of health and human services or juvenile court services.

17 (2) Is age seventeen and has been placed in a state juvenile
 18 institution pursuant to a court order entered under chapter
 19 232 under the care and custody of the department of health and
 20 human services.

21 (3) Is described by any of the following:

22 (a) On the date the person reached age eighteen or during
 23 the thirty calendar days preceding or succeeding that date,
 24 the person was in a licensed foster care placement pursuant
 25 to a court order entered under chapter 232 under the care and
 26 custody of the department of health and human services or
 27 juvenile court services.

28 (b) On the date the person reached age eighteen or during
 29 the thirty calendar days preceding or succeeding that date, the
 30 person was under a court order under chapter 232 to live with a
 31 relative or other suitable person.

32 (c) The person was in a licensed foster care placement
 33 pursuant to an order entered under chapter 232 prior to being
 34 legally adopted after reaching age sixteen.

35 (d) On the date the person reached age eighteen or during

1 the thirty calendar days preceding or succeeding that date,
2 the person was placed in a state juvenile institution pursuant
3 to a court order entered under chapter 232 under the care and
4 custody of the department of health and human services.

5 Sec. 1018. Section 262.9A, Code 2023, is amended to read as
6 follows:

7 **262.9A Prohibition of controlled substances.**

8 The state board of regents shall adopt a policy that
9 prohibits unlawful possession, use, or distribution of
10 controlled substances by students and employees on property
11 owned or leased by an institution or in conjunction with
12 activities sponsored by an institution governed by the board.
13 Each institution shall provide information about the policy
14 to all students and employees. The policy shall include a
15 clear statement of sanctions for violation of the policy
16 and information about available drug or alcohol counseling
17 and rehabilitation programs. In carrying out this policy,
18 the institutions shall provide substance ~~abuse~~ use disorder
19 prevention programs for students and employees.

20 Sec. 1019. Section 262.70, Code 2023, is amended to read as
21 follows:

22 **262.70 Education, prevention, and research programs in mental**
23 **health and disability services.**

24 ~~The division of mental health and disability services of~~
25 ~~the department of~~ health and human services may contract with
26 the board of regents or any institution under the board's
27 jurisdiction to establish and maintain programs of education,
28 prevention, and research in the fields of mental health,
29 intellectual disability, developmental disabilities, and
30 brain injury. The board may delegate responsibility for these
31 programs to the state psychiatric hospital, the university
32 hospital, or any other appropriate entity under the board's
33 jurisdiction.

34 Sec. 1020. Section 262.71, Code 2023, is amended to read as
35 follows:

1 **262.71 Center for early development education.**

2 The board of regents shall develop a center for early
 3 development education at one of the regents institutions
 4 specified in section 262.7, subsections 1 through 3. The
 5 center's programs shall be conducted in a laboratory school
 6 setting to serve as a model for early childhood education.
 7 The programs shall include, but not be limited to, programs
 8 designed to accommodate the needs of at-risk children. The
 9 teacher education programs at all three state universities
 10 shall cooperate in developing the center and its programs. The
 11 center's programs shall take a holistic approach and the center
 12 shall, in developing its programs, consult with representatives
 13 from each of the following agencies, institutions, or groups:

- 14 1. The university of northern Iowa.
- 15 2. Iowa state university.
- 16 3. The university of Iowa.
- 17 ~~4. The division of child and family services of the~~
 18 ~~department of human services.~~
- 19 ~~5. The department of public health.~~
- 20 ~~6.~~ 4. The department of health and human services.
- 21 ~~7.~~ 5. An early childhood development specialist from an
 22 area education agency.
- 23 ~~8.~~ 6. A parent of a child in a head start program.
- 24 ~~9.~~ 7. The department of education.
- 25 ~~10.~~ 8. The child development coordinating council.

26 Sec. 1021. Section 262.78, subsections 2 and 3, Code 2023,
 27 are amended to read as follows:

28 2. The center shall cooperate with the ~~center for rural~~
 29 ~~health and primary care, established under~~ department of health
 30 and human services pursuant to section 135.107, the center
 31 for health effects of environmental contamination established
 32 pursuant to section 263.17, and the department of agriculture
 33 and land stewardship. The agencies shall coordinate programs
 34 to the extent practicable.

35 3. The president of the university of Iowa, in consultation

1 with the president of Iowa state university of science and
2 technology, shall employ a full-time director of the center.
3 The center may employ staff to carry out the center's purpose.
4 The director shall coordinate the agricultural health and
5 safety programs of the center. The director shall regularly
6 meet and consult with the ~~center for rural health and primary~~
7 ~~care~~ department of health and human services pursuant to
8 section 135.107. The director shall provide the board of
9 regents with relevant information regarding the center.

10 Sec. 1022. Section 263.8, subsection 2, Code 2023, is
11 amended to read as follows:

12 2. In addition to its regular work, the state hygienic
13 laboratory shall perform without charge all bacteriological,
14 serological, and epidemiological examinations and
15 investigations which may be required by the ~~Iowa~~ department of
16 ~~public~~ health and human services and the department shall adopt
17 rules pursuant to chapter 17A ~~therefor~~ for the examinations
18 and investigations. The laboratory shall also provide, those
19 laboratory, scientific field measurement, and environmental
20 quality services which, by contract, are requested by the other
21 agencies of government.

22 Sec. 1023. Section 263.10, Code 2023, is amended to read as
23 follows:

24 **263.10 Persons admitted.**

25 Every resident of the state who is not more than twenty-one
26 years of age, who has such severe disabilities as to be unable
27 to acquire an education in the public or accredited nonpublic
28 schools, and every such person who is twenty-one and under
29 thirty-five years of age who has the consent of the state board
30 of regents, shall be entitled to receive an education, care,
31 and training in the university of Iowa hospitals and clinics
32 center for disabilities and development, and nonresidents
33 similarly situated may be entitled to an education and care at
34 the center upon such terms as may be fixed by the state board
35 of regents. The fee for nonresidents shall be not less than

1 the average expense of resident pupils and shall be paid in
 2 advance. Residents and persons under the care and control of a
 3 ~~director of a division of~~ the department of health and human
 4 services who have severe disabilities may be transferred to the
 5 center upon such terms as may be agreed upon by the state board
 6 of regents and the director of health and human services.

7 Sec. 1024. Section 263.17, subsection 2, paragraph a,
 8 subparagraph (10), Code 2023, is amended to read as follows:

9 (10) The ~~Iowa~~ department of ~~public~~ health and human
 10 services.

11 Sec. 1025. Section 263.17, subsection 7, Code 2023, is
 12 amended to read as follows:

13 7. The center shall cooperate with the ~~center for rural~~
 14 ~~health and primary care, established under~~ department of
 15 health and human services pursuant to section 135.107, the
 16 center for agricultural safety and health established under
 17 section 262.78, and the department of agriculture and land
 18 stewardship. The agencies shall coordinate programs to the
 19 extent practicable.

20 Sec. 1026. Section 263.21, Code 2023, is amended to read as
 21 follows:

22 **263.21 Transfer of patients from state institutions.**

23 The director of ~~the department of~~ health and human services,
 24 in respect to institutions under the director's control, ~~the~~
 25 ~~administrator of any of the divisions of the department, in~~
 26 ~~respect to the institutions under the administrator's control,~~
 27 the director of the department of corrections, in respect to
 28 the institutions under the department's control, and the state
 29 board of regents, in respect to the Iowa braille and sight
 30 saving school and the Iowa school for the deaf, may send any
 31 inmate, student, or patient of an institution, or any person
 32 committed or applying for admission to an institution, to
 33 the university of Iowa hospitals and clinics for treatment
 34 and care. The department of health and human services, the
 35 department of corrections, and the state board of regents shall

1 respectively pay the traveling expenses of such patient, and
2 when necessary the traveling expenses of an attendant for
3 the patient, out of funds appropriated for the use of the
4 institution from which the patient is sent.

5 Sec. 1027. Section 263B.7, Code 2023, is amended to read as
6 follows:

7 **263B.7 Ancient remains.**

8 The state archaeologist has the primary responsibility
9 for investigating, preserving, and reinterring discoveries
10 of ancient human remains. For the purposes of this section,
11 ancient human remains are those remains found within the state
12 which are more than one hundred fifty years old. The state
13 archaeologist shall make arrangements for the services of a
14 forensic osteologist in studying and interpreting ancient
15 burials and may designate other qualified archaeologists to
16 assist the state archaeologist in recovering physical and
17 cultural information about the ancient burials. The state
18 archaeologist shall file with the ~~Iowa~~ department of ~~public~~
19 health and human services a written report containing both
20 physical and cultural information regarding the remains at the
21 conclusion of each investigation.

22 Sec. 1028. Section 272C.1, subsection 6, paragraph ad, Code
23 2023, is amended to read as follows:

24 *ad.* The director of ~~public~~ health and human services in
25 certifying emergency medical care providers and emergency
26 medical care services pursuant to chapter 147A.

27 Sec. 1029. Section 272C.3, subsection 1, paragraph k, Code
28 2023, is amended to read as follows:

29 *k.* Establish a licensee review committee for the purpose
30 of evaluating and monitoring licensees who are impaired as
31 a result of ~~alcohol or drug abuse~~ substance use disorder,
32 dependency, or addiction, or by any mental or physical disorder
33 or disability, and who self-report the impairment to the
34 committee, or who are referred by the board to the committee.
35 Members of the committee shall receive actual expenses for the

1 performance of their duties and shall be eligible to receive
 2 per diem compensation pursuant to section 7E.6. The board
 3 shall adopt rules for the establishment and administration of
 4 the committee, including but not limited to establishment of
 5 the criteria for eligibility for referral to the committee and
 6 the grounds for disciplinary action for noncompliance with
 7 committee decisions. Information in the possession of the
 8 board or the licensee review committee, under this paragraph,
 9 shall be subject to the confidentiality requirements of section
 10 272C.6. Referral of a licensee by the board to a licensee
 11 review committee shall not relieve the board of any duties
 12 of the board and shall not divest the board of any authority
 13 or jurisdiction otherwise provided. A licensee who violates
 14 section 272C.10 or the rules of the board while under review by
 15 the licensee review committee shall be referred to the board
 16 for appropriate action.

17 Sec. 1030. Section 272C.6, subsection 6, paragraph b, Code
 18 2023, is amended to read as follows:

19 b. The department of agriculture and land stewardship, the
 20 department of ~~commerce~~ insurance and financial services, the
 21 department of inspections, appeals, and licensing, and the Iowa
 22 department of public health and human services shall each adopt
 23 rules pursuant to chapter 17A which provide for the allocation
 24 of fees and costs collected pursuant to this section to the
 25 board under its jurisdiction collecting the fees and costs.
 26 The fees and costs shall be considered repayment receipts as
 27 defined in section 8.2.

28 Sec. 1031. Section 279.49, subsections 1 and 3, Code 2023,
 29 are amended to read as follows:

30 1. The board of directors of a school corporation may
 31 operate or contract for the operation of a program to provide
 32 child care to children not enrolled in school or to students
 33 enrolled in kindergarten through grade six before and after
 34 school, or to both. Programs operated or contracted by a
 35 board shall be licensed by the department of health and human

1 services under chapter 237A as a child care center unless
2 the program is exempt from licensure under chapter 237A.
3 Notwithstanding requirements of the department of health and
4 human services regarding space allocated to child care centers
5 licensed under chapter 237A, a program operated or contracted
6 by a board which is located on school grounds may define
7 alternative spaces, in policy and procedures, appropriate to
8 meet the needs of children in the program if the primary space
9 is required for another use.

10 3. The facilities housing a program operated under this
11 section shall comply with standards adopted by the state fire
12 marshal for school buildings under chapter 100. In addition,
13 if a program involves children who are younger than school
14 age, the facilities housing those children shall meet the fire
15 safety standards which would apply to that age of child in a
16 child care facility licensed by the department of health and
17 human services.

18 Sec. 1032. Section 279.50, subsection 8, Code 2023, is
19 amended to read as follows:

20 8. The department of education shall identify and
21 disseminate information about early intervention programs
22 for students who are at the greatest risk of suffering from
23 the problem of dropping out of school, substance ~~abuse~~ use
24 disorder, adolescent pregnancy, or suicide.

25 Sec. 1033. Section 279.60, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. The school district shall also collect information from
28 each parent, guardian, or legal custodian of a kindergarten
29 student enrolled in the district on whether the student
30 attended preschool. Each school district shall report the
31 preschool information collected to the department of education
32 in the manner prescribed by the department not later than
33 January 1 of that school year. The early childhood Iowa ~~office~~
34 program in the department of ~~management~~ health and human
35 services shall have access to the raw data. The department of

1 education shall review the information submitted pursuant to
2 this section and shall submit its findings and recommendations
3 annually in a report to the governor, the general assembly, the
4 early childhood Iowa state board, and the early childhood Iowa
5 area boards.

6 Sec. 1034. Section 279.76, subsection 3, paragraph a, Code
7 2023, is amended to read as follows:

8 a. *"Emergent care situation"* means a sudden or unforeseen
9 occurrence or onset of a medical or behavioral condition that
10 could result in serious injury or harm to a student or others
11 in the event immediate medical attention is not provided.
12 *"Emergent care situation"* includes the need to screen a student
13 or others for symptoms or exposures during an outbreak or
14 public health event of concern as designated by the department
15 of public health and human services.

16 Sec. 1035. Section 280.13C, subsection 3, paragraph a, Code
17 2023, is amended to read as follows:

18 a. The department of public health and human services, the
19 Iowa high school athletic association, and the Iowa girls high
20 school athletic union shall work together to develop training
21 materials and courses regarding concussions and brain injuries,
22 including training regarding evaluation, prevention, symptoms,
23 risks, and long-term effects of concussions and brain injuries.
24 Each coach or contest official shall complete such training at
25 least every two years.

26 Sec. 1036. Section 280.13C, subsection 4, Code 2023, is
27 amended to read as follows:

28 4. *Guidelines and information sheet.*

29 a. The department of public health and human services, the
30 Iowa high school athletic association, and the Iowa girls high
31 school athletic union shall work together to distribute the
32 guidelines of the centers for disease control and prevention
33 of the United States department of health and human services
34 and other pertinent information to inform and educate coaches,
35 students, and the parents and guardians of students of the

1 risks, signs, symptoms, and behaviors consistent with a
2 concussion or brain injury, including the danger of continuing
3 to participate in extracurricular interscholastic activities
4 after suffering a concussion or brain injury and their
5 responsibility to report such signs, symptoms, and behaviors
6 if they occur.

7 *b.* For school years beginning on or after July 1, 2018,
8 each school district and nonpublic school shall provide to the
9 parent or guardian of each student in grades seven through
10 twelve a concussion and brain injury information sheet,
11 as provided by the department of ~~public~~ public health and human
12 services, the Iowa high school athletic association, and the
13 Iowa girls high school athletic union. The student and the
14 student's parent or guardian shall sign and return a copy
15 of the concussion and brain injury information sheet to the
16 student's school prior to the student's participation in any
17 extracurricular interscholastic activity.

18 Sec. 1037. Section 280.13C, subsection 6, paragraph a, Code
19 2023, is amended to read as follows:

20 *a.* The department of ~~public~~ public health and human services, in
21 cooperation with the Iowa high school athletic association
22 and the Iowa girls high school athletic union, shall develop
23 a return-to-play protocol based on peer-reviewed scientific
24 evidence consistent with the guidelines of the centers for
25 disease control and prevention of the United States department
26 of health and human services, for a student's return to
27 participation in any extracurricular interscholastic activity
28 after showing signs, symptoms, or behaviors consistent with a
29 concussion or brain injury. The department of ~~public~~ public health
30 and human services shall adopt the return-to-play protocol
31 by rule pursuant to chapter 17A. The board of directors
32 of each school district and the authorities in charge of
33 each accredited nonpublic school with enrolled students who
34 participate in an extracurricular interscholastic activity
35 which is a contest in grades seven through twelve shall adopt

1 such protocol by July 1, 2019.

2 Sec. 1038. Section 280.16, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:

4 a. "*Bronchodilator*" means a bronchodilator as recommended
5 by the department of ~~public~~ health and human services for
6 treatment of a student's respiratory distress, asthma, or other
7 airway constricting disease.

8 Sec. 1039. Section 280.16, subsection 7, Code 2023, is
9 amended to read as follows:

10 7. The Iowa braille and sight saving school, the Iowa school
11 for the deaf, and the institutions under the control of the
12 department of health and human services as provided in section
13 218.1 are exempt from the provisions of this section.

14 Sec. 1040. Section 280.17, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. The board of directors of a school district and the
17 authorities in charge of a nonpublic school shall prescribe
18 procedures, in accordance with the guidelines contained in
19 the model policy developed by the department of education in
20 consultation with the department of health and human services,
21 and adopted by the department of education pursuant to chapter
22 17A, for the handling of reports of child abuse, as defined in
23 section 232.68, subsection 2, paragraph "a", subparagraph (1),
24 (3), or (5), alleged to have been committed by an employee or
25 agent of the public or nonpublic school.

26 Sec. 1041. Section 280.25, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. The board of directors of each public school and the
29 authorities in charge of each accredited nonpublic school
30 shall adopt a policy and the superintendent of each public
31 school shall adopt rules which provide that the school
32 district or school may share information contained within a
33 student's permanent record pursuant to an interagency agreement
34 with state and local agencies that are part of the juvenile
35 justice system. These agencies include, but are not limited

1 to, juvenile court services, the department of health and
2 human services, and local law enforcement authorities. The
3 disclosure of information shall be directly related to the
4 juvenile justice system's ability to effectively serve, prior
5 to adjudication, the student whose records are being released.

6 Sec. 1042. Section 280.29, subsection 1, paragraph e, Code
7 2023, is amended to read as follows:

8 e. Enter into a memorandum of understanding with the
9 department of health and human services regarding the exchange
10 of information as appropriate to facilitate the enrollment
11 transition of children adjudicated under chapter 232 or
12 receiving foster care services from one school to another
13 school.

14 Sec. 1043. Section 280.32, subsections 3 and 6, Code 2023,
15 are amended to read as follows:

16 3. Radon testing pursuant to this section conducted on and
17 after July 1, 2022, shall be conducted by a person certified
18 to conduct such testing pursuant to section 136B.1 or by
19 district employees that have completed a school radon testing
20 training program approved by the department of education and
21 the department of ~~public~~ health and human services. District
22 employees that have completed training shall not perform
23 testing services in locations other than the employee's
24 employing district. The department of ~~public~~ health and human
25 services shall maintain and make available to school districts
26 a list of such approved school radon testing training programs.
27 Testing shall be based on recognized national standards that
28 outline school radon testing practices.

29 6. In consultation with appropriate stakeholders and the
30 department of education, the department of ~~public~~ health and
31 human services shall adopt rules to administer this section.

32 Sec. 1044. Section 280A.1, subsection 3, Code 2023, is
33 amended to read as follows:

34 3. "*Behavioral health screening*" or "*screening*" means a
35 screening and assessment performed using a universal behavioral

1 health screening and assessment tool, approved for use by the
2 department of education in consultation with the department of
3 ~~public health and the department of~~ human services, to identify
4 factors that place children at higher risk for behavioral
5 health conditions, to determine appropriate treatment or
6 intervention, and to identify the need for referral for
7 appropriate services.

8 Sec. 1045. Section 282.18, subsection 7, paragraph b, Code
9 2023, is amended to read as follows:

10 b. If a request to transfer is due to a change in family
11 residence, a change in a child's residence from the residence
12 of one parent or guardian to the residence of a different
13 parent or guardian, a change in the state in which the family
14 residence is located, a change in a child's parents' marital
15 status, a guardianship proceeding, placement in foster care,
16 adoption, participation in a foreign exchange program, or
17 participation in a substance ~~abuse~~ use disorder or mental
18 health treatment program, and the child who is the subject of
19 the request is enrolled in any grade from kindergarten through
20 grade twelve or who is a prekindergarten student enrolled in a
21 special education program at the time of the request and is not
22 currently using any provision of open enrollment, the parent or
23 guardian of the child shall have the option to have the child
24 remain in the child's original district of residence under open
25 enrollment with no interruption in the child's educational
26 program. If a parent or guardian exercises this option, the
27 child's new district of residence is not required to pay the
28 amount calculated in subsection 5 or 6, as applicable, until
29 the start of the first full year of enrollment of the child.

30 Sec. 1046. Section 282.18, subsection 9, paragraph a,
31 subparagraph (8), Code 2023, is amended to read as follows:

32 (8) If the pupil participates in open enrollment because
33 of circumstances that meet the definition of good cause. For
34 purposes of this subparagraph, "*good cause*" means a change in a
35 child's residence due to a change in family residence, a change

1 in a child's residence from the residence of one parent or
 2 guardian to the residence of a different parent or guardian, a
 3 change in the state in which the family residence is located,
 4 a change in a child's parents' marital status, a guardianship
 5 or custody proceeding, placement in foster care, adoption,
 6 participation in a foreign exchange program, initial placement
 7 of a prekindergarten student in a special education program
 8 requiring specially designed instruction, or participation
 9 in a substance ~~abuse~~ use disorder or mental health treatment
 10 program, a change in the status of a child's resident district
 11 such as removal of accreditation by the state board, surrender
 12 of accreditation, or permanent closure of a nonpublic school,
 13 revocation of a charter school contract as provided in section
 14 256E.10 or 256F.8, the failure of negotiations for a whole
 15 grade sharing, reorganization, dissolution agreement, or the
 16 rejection of a current whole grade sharing agreement, or
 17 reorganization plan.

18 Sec. 1047. Section 282.19, Code 2023, is amended to read as
 19 follows:

20 **282.19 Child living in substance ~~abuse~~ use disorder or foster**
 21 **care placement.**

22 1. A child who is living in a facility that provides
 23 residential treatment as "*facility*" is defined in section
 24 125.2, which is located in a school district other than the
 25 school district in which the child resided before entering the
 26 facility may enroll in and attend an accredited school in the
 27 school district in which the child is living.

28 2. A child who is living in a licensed individual or agency
 29 child foster care facility, as defined in section 237.1, or
 30 in an unlicensed relative foster care placement, shall remain
 31 enrolled in and attend an accredited school in the school
 32 district in which the child resided and is enrolled at the
 33 time of placement, unless it is determined by the juvenile
 34 court or the public or private agency of this state that has
 35 responsibility for the child's placement that remaining in such

1 school is not in the best interests of the child. If such
2 a determination is made, the child may attend an accredited
3 school located in the school district in which the child is
4 living and not in the school district in which the child
5 resided prior to receiving foster care.

6 3. The instructional costs for students who do not require
7 special education shall be paid as provided in section 282.31,
8 subsection 1, paragraph "b", or for students who require
9 special education shall be paid as provided in section 282.31,
10 subsection 2 or 3.

11 Sec. 1048. Section 282.27, subsection 3, paragraph b, Code
12 2023, is amended to read as follows:

13 b. The child is not placed by the department of health and
14 human services or a court in a day program treatment program in
15 such psychiatric unit or institution.

16 Sec. 1049. Section 282.27, subsection 4, paragraph b, Code
17 2023, is amended to read as follows:

18 b. The child is not placed by the department of health and
19 human services or a court in a day program treatment program in
20 such psychiatric unit or institution.

21 Sec. 1050. Section 282.33, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. A child who resides in an institution for children
24 under the jurisdiction of the director of health and human
25 services referred to in section 218.1, subsection 3, 4, or
26 5, ~~or 6~~, and who is not enrolled in the educational program
27 of the district of residence of the child, shall receive
28 appropriate educational services. The institution in which
29 the child resides shall submit a proposed program and budget
30 based on the average daily attendance of the children residing
31 in the institution to the department of education and the
32 department of health and human services by January 1 for the
33 next succeeding school year. The department of education shall
34 review and approve or modify the proposed program and budget
35 and shall notify the department of administrative services of

1 its action by February 1. The department of administrative
2 services shall pay the approved budget amount to the department
3 of health and human services in monthly installments beginning
4 September 15 and ending June 15 of the next succeeding school
5 year. The installments shall be as nearly equal as possible as
6 determined by the department of administrative services, taking
7 into consideration the relative budget and cash position of the
8 state's resources. The department of administrative services
9 shall pay the approved budget amount for the department
10 of health and human services from the moneys appropriated
11 under section 257.16 and the department of health and human
12 services shall distribute the payment to the institution. The
13 institution shall submit an accounting for the actual cost of
14 the program to the department of education by August 1 of the
15 following school year. The department shall review and approve
16 or modify all expenditures incurred in compliance with the
17 guidelines adopted pursuant to section 256.7, subsection 10,
18 and shall notify the department of administrative services of
19 the approved accounting amount. The approved accounting amount
20 shall be compared with any amounts paid by the department of
21 administrative services to the department of health and human
22 services and any differences added to or subtracted from the
23 October payment made under this subsection for the next school
24 year. Any amount paid by the department of administrative
25 services shall be deducted monthly from the state foundation
26 aid paid under section 257.16 to all school districts in the
27 state during the subsequent fiscal year. The portion of the
28 total amount of the approved budget that shall be deducted from
29 the state aid of a school district shall be the same as the
30 ratio that the budget enrollment for the budget year of the
31 school district bears to the total budget enrollment in the
32 state for that budget year in which the deduction is made.

33 Sec. 1051. Section 283A.2, subsection 3, Code 2023, is
34 amended to read as follows:

35 3. Each school district that operates or provides for

1 a school breakfast or lunch program shall provide for the
2 forwarding of information from the applications for the school
3 breakfast or lunch program, for which federal funding is
4 provided, to identify children for enrollment in the medical
5 assistance program pursuant to chapter 249A or the healthy
6 and well kids in Iowa program pursuant to chapter 514I to the
7 department of health and human services.

8 Sec. 1052. Section 285.1, subsection 1, paragraph a,
9 subparagraph (3), Code 2023, is amended to read as follows:

10 (3) Children attending prekindergarten programs offered or
11 sponsored by the district or nonpublic school and approved by
12 the department of education or department of health and human
13 services or children participating in preschool in an approved
14 local program under chapter 256C may be provided transportation
15 services. However, transportation services provided to
16 nonpublic school children are not eligible for reimbursement
17 under this chapter.

18 Sec. 1053. Section 303.3C, subsection 1, paragraph a, Code
19 2023, is amended to read as follows:

20 a. The department of cultural affairs shall establish
21 and administer an Iowa great places program for purposes
22 of combining resources of state government in an effort to
23 showcase the unique and authentic qualities of communities,
24 regions, neighborhoods, and districts that make such places
25 exceptional places to work and live. The department of
26 cultural affairs shall provide administrative assistance to
27 the Iowa great places board. The department of cultural
28 affairs shall coordinate the efforts of the Iowa great places
29 board with the efforts of state agencies participating in
30 the program which shall include, but not be limited to, ~~the~~
31 ~~economic development authority,~~ the Iowa finance authority, the
32 department of health and human rights services, the department
33 of natural resources, the state department of transportation,
34 and the department of workforce development.

35 Sec. 1054. Section 307.24, subsection 5, paragraph b, Code

1 2023, is amended to read as follows:

2 *b.* For department of health and human services facility
3 roads, six and one-half percent.

4 Sec. 1055. Section 321.1, subsection 8, paragraph *g*, Code
5 2023, is amended to read as follows:

6 *g.* If authorized to transport patients or clients by the
7 director of ~~the department of~~ health and human services or the
8 director's designee, an employee of the department of health
9 and human services is not a chauffeur when transporting the
10 patients or clients in an automobile.

11 Sec. 1056. Section 321.19, subsection 1, paragraph *c*,
12 subparagraph (3), Code 2023, is amended to read as follows:

13 (3) Persons in the department of justice, the alcoholic
14 beverages division of the department of commerce, disease
15 investigators of the ~~Iowa~~ department of ~~public~~ health and human
16 services, the department of inspections and appeals, and the
17 department of revenue, who are regularly assigned to conduct
18 investigations which cannot reasonably be conducted with a
19 vehicle displaying "official" state registration plates.

20 Sec. 1057. Section 321.34, subsection 11A, paragraphs *b* and
21 *c*, Code 2023, are amended to read as follows:

22 *b.* Love our kids plates shall be designed by the department
23 in cooperation with the ~~Iowa~~ department of ~~public~~ health and
24 human services.

25 *c.* The special fee for letter-number designated love our
26 kids plates is thirty-five dollars. The fee for personalized
27 love our kids plates is twenty-five dollars, which shall
28 be paid in addition to the special love our kids fee of
29 thirty-five dollars. The fees collected by the director under
30 this subsection shall be paid monthly to the treasurer of
31 state and deposited in the road use tax fund. The treasurer
32 of state shall transfer monthly from the statutory allocations
33 fund created under section 321.145, subsection 2, to the ~~Iowa~~
34 department of ~~public~~ health and human services the amount
35 of the special fees collected in the previous month for the

1 love our kids plates. Notwithstanding section 8.33, moneys
 2 transferred under this subsection shall not revert to the
 3 general fund of the state.

4 Sec. 1058. Section 321.34, subsection 23, paragraph c, Code
 5 2023, is amended to read as follows:

6 c. The special fee for letter-number designated breast
 7 cancer awareness plates is thirty-five dollars. The fee for
 8 personalized breast cancer awareness plates is twenty-five
 9 dollars, which shall be paid in addition to the special
 10 breast cancer awareness fee of thirty-five dollars. The fees
 11 collected by the director under this subsection shall be paid
 12 monthly to the treasurer of state and deposited in the road
 13 use tax fund. The treasurer of state shall transfer monthly
 14 from the statutory allocations fund created under section
 15 321.145, subsection 2, to the ~~Iowa~~ department of ~~public~~ health
 16 and human services the amount of the special fees collected
 17 in the previous month for the breast cancer awareness plates
 18 and such funds are appropriated to the ~~Iowa~~ department of
 19 ~~public~~ health and human services. The ~~Iowa~~ department of
 20 ~~public~~ health and human services shall distribute one hundred
 21 percent of the funds received monthly in the form of grants to
 22 support breast cancer screenings for both men and women who
 23 meet eligibility requirements like those established by the
 24 Susan G. Komen foundation. In the awarding of grants, the ~~Iowa~~
 25 department of ~~public~~ health and human services shall give first
 26 consideration to affiliates of the Susan G. Komen foundation
 27 and similar nonprofit organizations providing for breast cancer
 28 screenings at no cost in Iowa. Notwithstanding section 8.33,
 29 moneys transferred under this subsection shall not revert to
 30 the general fund of the state.

31 Sec. 1059. Section 321.178, subsection 1, paragraph a,
 32 subparagraph (1), Code 2023, is amended to read as follows:

33 (1) A minimum of four hours of instruction concerning
 34 substance ~~abuse~~ use disorder and distracted driving.

35 Sec. 1060. Section 321.178A, subsection 3, paragraph a,

1 subparagraph (2), Code 2023, is amended to read as follows:

2 (2) Instruction concerning substance ~~abuse~~ use disorder and
3 distracted driving.

4 Sec. 1061. Section 321.215, subsection 1, paragraph a,
5 subparagraph (4), Code 2023, is amended to read as follows:

6 (4) The person's substance ~~abuse~~ use disorder treatment.

7 Sec. 1062. Section 321.231B, subsection 1, paragraph b,
8 Code 2023, is amended to read as follows:

9 b. An emergency medical care provider, as defined in
10 section 147A.1, operating the authorized emergency vehicle who
11 has completed an emergency vehicle operations course and any
12 applicable continuing education requirements established or
13 approved by the department of ~~public~~ public health and human services.

14 Sec. 1063. Section 321.423, subsection 7, paragraph a,
15 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
16 to read as follows:

17 On a vehicle authorized by the director of ~~public~~ public health and
18 human services when all of the following apply:

19 Sec. 1064. Section 321.423, subsection 7, paragraph a,
20 subparagraph (2), subparagraph division (b), Code 2023, is
21 amended to read as follows:

22 (b) The request for authorization is made by the member
23 on forms provided by the ~~Iowa~~ department of ~~public~~ public health and
24 human services.

25 Sec. 1065. Section 321.423, subsection 7, paragraph b, Code
26 2023, is amended to read as follows:

27 b. The ~~Iowa~~ department of ~~public~~ public health and human services
28 shall adopt rules to establish issuance standards, including
29 allowing local emergency medical service providers to issue
30 certificates of authorization, and shall adopt rules to
31 establish certificate of authorization revocation procedures.

32 Sec. 1066. Section 321.451, subsection 1, paragraph h, Code
33 2023, is amended to read as follows:

34 h. A vehicle owned by a chief, medical director, or
35 certified medical provider of an authorized emergency medical

1 service, if the application for a certificate of designation is
2 requested by the chief, medical officer, or medical director
3 of the authorized emergency medical service. However, the
4 department shall not approve an application received pursuant
5 to this paragraph unless the owner of the vehicle has completed
6 an emergency vehicle operations course approved by the
7 department of ~~public~~ health and human services, and provided
8 proof of financial liability coverage or risk pool coverage.

9 Sec. 1067. Section 321J.2, subsection 3, paragraph e, Code
10 2023, is amended to read as follows:

11 e. Assignment to substance ~~abuse~~ use disorder evaluation and
12 treatment, a course for drinking drivers, and, if available and
13 appropriate, a reality education substance ~~abuse~~ use disorder
14 prevention program pursuant to section 321J.24.

15 Sec. 1068. Section 321J.2, subsection 4, paragraph d, Code
16 2023, is amended to read as follows:

17 d. Assignment to substance ~~abuse~~ use disorder evaluation and
18 treatment, a course for drinking drivers, and, if available and
19 appropriate, a reality education substance ~~abuse~~ use disorder
20 prevention program pursuant to section 321J.24.

21 Sec. 1069. Section 321J.2, subsection 5, paragraph d, Code
22 2023, is amended to read as follows:

23 d. Assignment to substance ~~abuse~~ use disorder evaluation and
24 treatment, a course for drinking drivers, and, if available and
25 appropriate, a reality education substance ~~abuse~~ use disorder
26 prevention program pursuant to section 321J.24.

27 Sec. 1070. Section 321J.2, subsection 7, paragraphs a and b,
28 Code 2023, are amended to read as follows:

29 a. All persons convicted of an offense under subsection 2
30 shall be ordered, at the person's expense, to undergo, prior
31 to sentencing, a substance ~~abuse~~ use disorder evaluation. The
32 court shall order the person to follow the recommendations
33 proposed in the substance ~~abuse~~ use disorder evaluation as
34 provided in section 321J.3.

35 b. Where the program is available and is appropriate for

1 the convicted person, a person convicted of an offense under
2 subsection 2 shall be ordered to participate in a reality
3 education substance ~~abuse~~ use disorder prevention program as
4 provided in section 321J.24.

5 Sec. 1071. Section 321J.3, Code 2023, is amended to read as
6 follows:

7 **321J.3 Substance ~~abuse~~ use disorder evaluation or treatment**
8 **— rules.**

9 1. *a.* In addition to orders issued pursuant to section
10 321J.2, subsections 3, 4, and 5, and section 321J.17, the court
11 shall order any defendant convicted under section 321J.2 to
12 follow the recommendations proposed in the substance ~~abuse~~
13 use disorder evaluation for appropriate substance ~~abuse~~ use
14 disorder treatment for the defendant. Court-ordered substance
15 ~~abuse~~ use disorder treatment is subject to the periodic
16 reporting requirements of section 125.86.

17 *b.* If a defendant is committed by the court to a substance
18 ~~abuse~~ use disorder treatment facility, the administrator of the
19 facility shall report to the court when it is determined that
20 the defendant has received the maximum benefit of treatment
21 at the facility and the defendant shall be released from the
22 facility. The time for which the defendant is committed for
23 treatment shall be credited against the defendant's sentence.

24 *c.* The court may prescribe the length of time for the
25 evaluation and treatment or it may request that the community
26 college or other approved provider conducting the course
27 for drinking drivers which the person is ordered to attend
28 or the treatment program to which the person is committed
29 immediately report to the court when the person has received
30 maximum benefit from the course for drinking drivers or
31 treatment program or has recovered from the person's addiction,
32 dependency, or tendency to chronically ~~abuse~~ use alcohol or
33 drugs.

34 *d.* Upon successfully completing a course for drinking
35 drivers or an ordered substance ~~abuse~~ use disorder treatment

1 program, a court may place the person on probation for six
2 months and as a condition of probation, the person shall
3 attend a program providing posttreatment services relating to
4 substance ~~abuse~~ use disorder as approved by the court.

5 e. A person committed under this section who does not
6 possess sufficient income or estate to make payment of the
7 costs of the treatment in whole or in part shall be considered
8 a state patient and the costs of treatment shall be paid as
9 provided in section 125.44.

10 f. A defendant who fails to carry out the order of the
11 court shall be confined in the county jail for twenty days in
12 addition to any other imprisonment ordered by the court or may
13 be ordered to perform unpaid community service work, and shall
14 be placed on probation for one year with a violation of this
15 probation punishable as contempt of court.

16 g. In addition to any other condition of probation, the
17 person shall attend a program providing substance ~~abuse~~ use
18 disorder prevention services or posttreatment services related
19 to substance ~~abuse~~ use disorder as ordered by the court. The
20 person shall report to the person's probation officer as
21 ordered concerning proof of attendance at the treatment program
22 or posttreatment program ordered by the court. Failure to
23 attend or complete the program shall be considered a violation
24 of probation and is punishable as contempt of court.

25 2. a. Upon a second or subsequent offense in violation of
26 section 321J.2, the court upon hearing may commit the defendant
27 for inpatient treatment of alcoholism or drug addiction
28 or dependency to any hospital, institution, or community
29 correctional facility in Iowa providing such treatment. The
30 time for which the defendant is committed for treatment shall
31 be credited against the defendant's sentence.

32 b. The court may prescribe the length of time for the
33 evaluation and treatment or it may request that the hospital
34 to which the person is committed immediately report to the
35 court when the person has received maximum benefit from the

1 program of the hospital or institution or has recovered from
2 the person's addiction, dependency, or tendency to chronically
3 ~~abuse~~ use alcohol or drugs.

4 c. A person committed under this section who does not
5 possess sufficient income or estate to make payment of the
6 costs of the treatment in whole or in part shall be considered
7 a state patient and the costs of treatment shall be paid as
8 provided in section 125.44.

9 3. The state department of transportation, in cooperation
10 with the judicial branch, shall adopt rules, pursuant to the
11 procedure in section 125.33, regarding the assignment of
12 persons ordered under section 321J.17 to submit to substance
13 ~~abuse~~ use disorder evaluation and treatment. The rules shall
14 be applicable only to persons other than those committed to
15 the custody of the director of the department of corrections
16 under section 321J.2. The rules shall be consistent with the
17 practices and procedures of the judicial branch in sentencing
18 persons to substance ~~abuse~~ use disorder evaluation and
19 treatment under section 321J.2. The rules shall include the
20 requirement that the treatment programs utilized by a person
21 pursuant to an order of the department of transportation meet
22 the licensure standards of the department of ~~public~~ health
23 and human services for substance ~~abuse~~ use disorder treatment
24 programs under chapter 125. The rules shall also include
25 provisions for payment of costs by the offenders, including
26 insurance reimbursement on behalf of offenders, or other forms
27 of funding, and shall also address reporting requirements of
28 the facility, consistent with the provisions of sections 125.84
29 and 125.86. The department of transportation shall be entitled
30 to treatment information contained in reports to the department
31 of transportation, notwithstanding any provision of chapter 125
32 that would restrict department access to treatment information
33 and records.

34 Sec. 1072. Section 321J.17, subsection 2, paragraph b, Code
35 2023, is amended to read as follows:

1 *b.* The court or department may request that the community
2 college or substance ~~abuse~~ use disorder treatment providers
3 licensed under chapter 125 or other approved provider
4 conducting the course for drinking drivers that the person is
5 ordered to attend immediately report to the court or department
6 that the person has successfully completed the course for
7 drinking drivers. The court or department may request that the
8 treatment program which the person attends periodically report
9 on the defendant's attendance and participation in the program,
10 as well as the status of treatment or rehabilitation.

11 Sec. 1073. Section 321J.22, subsections 2, 4, and 5, Code
12 2023, are amended to read as follows:

13 2. *a.* The course provided according to this section shall
14 be offered on a regular basis at each community college as
15 defined in section 260C.2, or by substance ~~abuse~~ use disorder
16 treatment programs licensed under chapter 125, or may be
17 offered at a state correctional facility listed in section
18 904.102. However, a community college shall not be required to
19 offer the course if a substance ~~abuse~~ use disorder treatment
20 program licensed under chapter 125 offers the course within the
21 merged area served by the community college.

22 *b.* Enrollment in the courses is not limited to persons
23 ordered to enroll, attend, and successfully complete the
24 course required under sections 321J.2 and 321J.17, subsection
25 2. However, any person under age eighteen who is required to
26 attend the courses for violation of section 321J.2 or 321J.17
27 must attend a course offered by a substance ~~abuse~~ use disorder
28 treatment program licensed under chapter 125.

29 *c.* The course required by this section shall be:

30 (1) Taught by a community college under the supervision
31 of the department of education or by a substance ~~abuse~~ use
32 disorder treatment program licensed under chapter 125, and may
33 be offered at a state correctional facility.

34 (2) Approved by the department of education, in
35 consultation with the community colleges, substance ~~abuse~~

1 use disorder treatment programs licensed under chapter 125,
2 the department of ~~public~~ health and human services, and the
3 department of corrections.

4 d. The department of education may approve a provider of
5 a course for drinking drivers offered outside this state upon
6 proof to the department's satisfaction that the course is
7 comparable to those offered by community colleges, substance
8 ~~abuse~~ use disorder treatment programs licensed under chapter
9 125, and state correctional facilities as provided in this
10 section. The department shall comply with the requirements of
11 subsection 5 regarding such approved providers.

12 e. The department of education shall establish reasonable
13 fees to defray the expense of obtaining classroom space,
14 instructor salaries, and class materials for courses offered
15 both by community colleges and by substance ~~abuse~~ use
16 disorder treatment programs licensed under chapter 125, or
17 for classes offered at a state correctional facility, and
18 for administrative expenses incurred by the department of
19 education in implementing subsection 5 on behalf of in-state
20 and out-of-state offenders.

21 f. A person shall not be denied enrollment in a course by
22 reason of the person's indigency.

23 4. The department of education, substance ~~abuse~~ use
24 disorder treatment programs licensed under chapter 125,
25 and state correctional facilities shall prepare for their
26 respective courses a list of the locations of the courses
27 taught under this section, the dates and times taught, the
28 procedure for enrollment, and the schedule of course fees. The
29 list shall be kept current and a copy of the list shall be sent
30 to each court having jurisdiction over offenses provided in
31 this chapter.

32 5. The department of education, substance ~~abuse~~ use
33 disorder treatment programs licensed under chapter 125, and
34 state correctional facilities shall maintain enrollment,
35 attendance, successful and unsuccessful completion data for

1 their respective courses on the persons ordered to enroll,
2 attend, and successfully complete a course for drinking
3 drivers. This data shall be forwarded to the court by the
4 department of education, substance ~~abuse~~ use disorder treatment
5 programs licensed under chapter 125, and the department of
6 corrections.

7 Sec. 1074. Section 321J.23, subsection 5, Code 2023, is
8 amended to read as follows:

9 5. The reality education substance ~~abuse~~ use disorder
10 prevention program provides guidelines for the operation of an
11 intensive program to discourage recidivism.

12 Sec. 1075. Section 321J.24, subsection 1, paragraphs b and
13 c, Code 2023, are amended to read as follows:

14 b. "*Participant*" means a person who is ordered by the court
15 to participate in the reality education substance ~~abuse~~ use
16 disorder prevention program.

17 c. "*Program*" means the reality education substance ~~abuse~~ use
18 disorder prevention program.

19 Sec. 1076. Section 321J.24, subsection 2, Code 2023, is
20 amended to read as follows:

21 2. A reality education substance ~~abuse~~ use disorder
22 prevention program is established in those judicial
23 districts where the chief judge of the judicial district
24 authorizes participation in the program. Upon a conviction
25 or adjudication for a violation of section 321J.2, or the
26 entry of a deferred judgment concerning a violation of section
27 321J.2, the court or juvenile court may order participation in
28 the reality education substance ~~abuse~~ use disorder prevention
29 program as a term and condition of probation or disposition
30 in addition to any other term or condition of probation or
31 disposition required or authorized by law. The court or
32 juvenile court shall require the defendant or delinquent child
33 to abstain from consuming any controlled substance, alcoholic
34 liquor, wine, or beer while participating in the program.

35 Sec. 1077. Section 321J.24, subsection 5, paragraph a,

1 subparagraph (2), Code 2023, is amended to read as follows:

2 (2) A facility for the treatment of persons with
3 ~~substance-related disorders~~ a substance use disorder as defined
4 in section 125.2, under the supervision of appropriately
5 licensed medical personnel.

6 Sec. 1078. Section 321J.25, Code 2023, is amended to read
7 as follows:

8 **321J.25 Youthful offender substance ~~abuse~~ use disorder**
9 **awareness program.**

10 1. As used in this section, unless the context otherwise
11 requires:

12 a. "*Participant*" means a person whose driver's license or
13 operating privilege has been revoked for a violation of section
14 321J.2A.

15 b. "*Program*" means a substance ~~abuse~~ use disorder awareness
16 program provided under a contract entered into between the
17 provider and the Iowa department of ~~public~~ health and human
18 services under chapter 125.

19 c. "*Program coordinator*" means a person assigned the duty
20 to coordinate a participant's activities in a program by the
21 program provider.

22 2. A substance ~~abuse~~ use disorder awareness program is
23 established in each of the regions established by the director
24 of ~~public~~ health and human services pursuant to section
25 125.12. The program shall consist of an insight class and
26 a substance ~~abuse~~ use disorder evaluation, which shall be
27 attended by the participant, to discuss issues related to the
28 potential consequences of substance ~~abuse~~ use disorder. The
29 parent or parents of the participant shall also be encouraged
30 to participate in the program. The program provider shall
31 consult with the participant or the parents of the participant
32 in the program to determine the timing and appropriate level
33 of participation for the participant and any participation by
34 the participant's parents. The program may also include a
35 supervised educational tour by the participant to any or all

1 of the following:

2 a. A hospital or other emergency medical care facility
3 which regularly receives victims of motor vehicle accidents,
4 to observe treatment of appropriate victims of motor vehicle
5 accidents involving intoxicated drivers, under the supervision
6 of a registered nurse, physician, paramedic, or emergency
7 medical technician.

8 b. A facility for the treatment of persons with
9 ~~substance-related disorders~~ a substance use disorder as defined
10 in section 125.2, under the supervision of appropriately
11 licensed medical personnel.

12 c. If approved by the state or county medical examiner, a
13 morgue or a similar facility to receive appropriate educational
14 material and instruction concerning damage caused by the
15 consumption of alcohol or other drugs, under the supervision of
16 the county medical examiner or deputy medical examiner.

17 3. If the program includes a tour, the program coordinator
18 shall explain and discuss the experiences which may be
19 encountered during the tour to the participant. If the program
20 coordinator determines at any time before or during a tour that
21 the tour may be traumatic or otherwise inappropriate for the
22 participant, the program coordinator shall terminate the tour
23 without prejudice to the participant.

24 4. Upon the revocation of the driver's license or operating
25 privileges of a person who is fourteen years of age or older
26 for a violation of section 321J.2A, if the person has had no
27 previous revocations under either section 321J.2 or section
28 321J.2A, a person may participate in the substance ~~abuse~~
29 use disorder awareness program. The state department of
30 transportation shall notify a potential program participant
31 of the possibility and potential benefits of attending a
32 program and shall notify a potential program participant of the
33 availability of programs which exist in the area in which the
34 person resides. The state department of transportation shall
35 consult with the ~~Iowa~~ department of ~~public~~ health and human

1 services to determine what programs are available in various
2 areas of the state.

3 5. Program providers and facilities toured during the
4 program are not liable for any civil damages resulting from
5 injury to the participant, or civil damages caused by the
6 participant during or from any activities related to a tour,
7 except for willful or grossly negligent acts intended to, or
8 reasonably expected to result in, such injury or damage.

9 6. The program provider shall determine fees to be paid by
10 participants in the program. The program fees shall be paid on
11 a sliding scale, based upon the ability of a participant and a
12 participant's family to pay the fees, and shall not exceed one
13 hundred dollars per participant. The program provider shall
14 use the fees to pay all costs associated with the program.

15 Sec. 1079. Section 324A.1, subsection 6, Code 2023, is
16 amended to read as follows:

17 6. "*Transportation*" means the movement of individuals
18 in a four or more wheeled motorized vehicle designed to
19 carry passengers, including a car, van, or bus, between one
20 geographic point and another geographic point. "*Transportation*"
21 does not include emergency or incidental transportation or
22 transportation conducted by the department of health and human
23 services at its institutions.

24 Sec. 1080. Section 324A.4, subsection 2, paragraph a, Code
25 2023, is amended to read as follows:

26 a. Upon request, the department shall provide assistance
27 to political subdivisions, state agencies, and organizations
28 affected by this chapter for federal aid applications for urban
29 and rural transit system program aid. The department, in
30 cooperation with the regional planning agencies, shall maintain
31 current information reflecting the amount of federal, state,
32 and local aid received by the public and private nonprofit
33 organizations providing public transit services and the purpose
34 for which the aid is received. The department shall biennially
35 prepare a report to be submitted to the general assembly and

1 the governor prior to December 15 of even-numbered years. The
 2 report shall recommend methods to increase transportation
 3 coordination and improve the efficiency of federal, state,
 4 and local government programs used to finance public transit
 5 services and may address other topics as appropriate. The
 6 department of health and human services, ~~the department on~~
 7 ~~aging~~, and the officers and agents of the other affected state
 8 and local government units shall provide input as requested by
 9 the department.

10 Sec. 1081. Section 324A.5, unnumbered paragraph 1, Code
 11 2023, is amended to read as follows:

12 The department of health and human services, ~~department on~~
 13 ~~aging~~, and the officers and agents of other state and local
 14 governmental units shall assist the department in carrying out
 15 section 324A.4, subsections 1 and 2, insofar as the functions
 16 of these respective officers and departments are concerned
 17 with the health, welfare and safety of any recipient of
 18 transportation services.

19 Sec. 1082. Section 331.304, subsection 9, Code 2023, is
 20 amended to read as follows:

21 9. A county shall not adopt or enforce any ordinance
 22 imposing any registration or licensing system or registration
 23 or license fees for or relating to owner-occupied manufactured
 24 or mobile homes including the lots, lands, or manufactured
 25 home community or mobile home park upon or in which they are
 26 located. A county shall not adopt or enforce any ordinance
 27 imposing any registration or licensing system, or registration
 28 or license fees, or safety or sanitary standards for rental
 29 manufactured or mobile homes unless similar registration or
 30 licensing system, or registration or license fees, or safety
 31 or sanitary standards are required for other rental properties
 32 intended for human habitation. This subsection does not
 33 preclude the investigation and abatement of a nuisance or the
 34 enforcement of a tiedown system, or the enforcement of any
 35 regulations of the state council on health and human services

1 or local board of health if those regulations apply to other
2 rental properties or to owner-occupied housing intended for
3 human habitation.

4 Sec. 1083. Section 331.321, subsection 1, paragraph f, Code
5 2023, is amended to read as follows:

6 f. The members of the ~~service-area~~ advisory board in
7 accordance with section 217.43.

8 Sec. 1084. Section 331.323, subsection 1, paragraph a,
9 subparagraph (9), Code 2023, is amended to read as follows:

10 (9) Executive officer of the ~~service-area~~ advisory board in
11 accordance with section 217.43.

12 Sec. 1085. Section 331.382, subsections 3 and 6, Code 2023,
13 are amended to read as follows:

14 3. The power to legislate in regard to chemical substance
15 ~~abuse~~ use is subject to section 125.40.

16 6. The power to operate juvenile detention and shelter care
17 homes is subject to approval of the homes by the director of
18 ~~the department of~~ health and human services or the director's
19 designee, as provided in section 232.142.

20 Sec. 1086. Section 331.388, Code 2023, is amended to read
21 as follows:

22 **331.388 Definitions.**

23 As used in this part, unless the context otherwise requires:

24 1. "*Children's behavioral health services*" means the same as
25 defined in section 225C.2.

26 2. "*Department*" means the department of health and human
27 services.

28 3. "*Director*" means the director of health and human
29 services.

30 ~~3.~~ 4. "*Disability services*" means the same as defined in
31 section 225C.2.

32 ~~4.~~ 5. "*Population*" means, as of July 1 of the fiscal year
33 preceding the fiscal year in which the population figure is
34 applied, the population shown by the latest preceding certified
35 federal census or the latest applicable population estimate

1 issued by the United States census bureau, whichever is most
2 recent.

3 ~~5.~~ 6. "*Regional administrator*" means the administrative
4 office, organization, or entity formed by agreement of the
5 counties participating in a region to function on behalf of
6 those counties in accordance with this part.

7 ~~6.~~ 7. "*Serious emotional disturbance*" means the same as
8 defined in section 225C.2.

9 ~~7.~~ 8. "*State board*" means the children's system state board
10 created in section 225C.51.

11 ~~8.~~ 9. "*State commission*" means the mental health and
12 disability services commission created in section 225C.5.

13 Sec. 1087. Section 331.389, subsections 1 and 2, Code 2023,
14 are amended to read as follows:

15 1. Local access to mental health and disability services
16 shall be provided by a regional service system comprised of
17 mental health and disability services regions approved by the
18 director ~~of the department~~. It is the intent of the general
19 assembly that the residents of this state should have access to
20 needed mental health and disability services regardless of the
21 location of their residence.

22 2. The director ~~of human services~~ shall approve a region
23 meeting the requirements of subsection 3.

24 Sec. 1088. Section 331.390, subsection 2, paragraph c, Code
25 2023, is amended to read as follows:

26 c. The membership of the governing board shall not include
27 employees of the department ~~of human services~~ or a nonelected
28 employee of a county.

29 Sec. 1089. Section 331.391, subsection 4, paragraph b, Code
30 2023, is amended to read as follows:

31 b. Each region shall certify to the department ~~of human~~
32 ~~services~~ on or before December 1, 2021, and each December 1
33 thereafter, the amount of the region's cash flow amount in
34 the combined account at the conclusion of the most recently
35 completed fiscal year.

1 Sec. 1090. Section 331.393, subsection 2, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 Each region shall submit to the department an annual
4 service and budget plan approved by the region's governing
5 board and subject to approval by the director ~~of human~~
6 ~~services~~. Provisions for approval by the director of human
7 ~~services' approval~~ of the annual service and budget plan,
8 and any amendments to the plan, and other requirements shall
9 be specified in rule adopted by the state commission. The
10 provisions addressed in the annual plan shall include but are
11 not limited to all of the following:

12 Sec. 1091. Section 331.393, subsection 4, unnumbered
13 paragraph 1, Code 2023, is amended to read as follows:

14 The region shall have in effect a policies and procedures
15 manual for the regional service system. The manual shall be
16 approved by the region's governing board and is subject to
17 approval by the director ~~of human services~~. An approved manual
18 shall remain in effect subject to amendment. An amendment
19 to the manual shall be submitted to the department at least
20 forty-five days prior to the date of implementation of the
21 amendment. Prior to implementation of an amendment to the
22 manual, the amendment must be approved by the director ~~of human~~
23 ~~services~~ in consultation with the state commission. The manual
24 shall include but is not limited to all of the following:

25 Sec. 1092. Section 331.393, subsections 5 and 8, Code 2023,
26 are amended to read as follows:

27 5. The provisions of a regional service system management
28 plan shall include measures to address the needs of persons
29 who have two or more co-occurring mental health, intellectual
30 or other developmental disability, brain injury, or
31 ~~substance-related~~ substance use disorders and individuals with
32 specialized needs. Implementation of measures to meet the
33 needs of persons with a developmental disability other than
34 intellectual disability, brain injury, or ~~substance-related~~
35 ~~disorders~~ a substance use disorder is contingent upon

1 identification of a funding source to meet those needs and
2 implementation of provisions to engage the entity under
3 contract with the state to provide services to address
4 ~~substance-related~~ substance use disorders within the regional
5 service system.

6 8. If a region determines that the region cannot provide
7 services for the fiscal year in accordance with the regional
8 plan and remain in compliance with applicable budgeting
9 requirements, the region may implement a waiting list for
10 the services. The procedures for establishing and applying
11 a waiting list shall be specified in the regional plan. If
12 a region implements a waiting list for services, the region
13 shall notify the department ~~of human services~~. The department
14 shall maintain on the department's internet site an up-to-date
15 listing of the regions that have implemented a waiting list and
16 the services affected by each waiting list.

17 Sec. 1093. Section 331.394, subsection 1, paragraph a, Code
18 2023, is amended to read as follows:

19 a. "*County of residence*" means the county in this state in
20 which, at the time a person applies for or receives services,
21 the person is living and has established an ongoing presence
22 with the declared, good faith intention of living in the
23 county for a permanent or indefinite period of time. The
24 county of residence of a person who is a homeless person is
25 the county where the homeless person usually sleeps. A person
26 maintains residency in the county or state in which the person
27 last resided while the person is present in another county or
28 this state receiving services in a hospital, a correctional
29 facility, a halfway house for community-based corrections or
30 ~~substance-related~~ substance use disorder treatment, a nursing
31 facility, an intermediate care facility for persons with an
32 intellectual disability, or a residential care facility, or for
33 the purpose of attending a college or university.

34 Sec. 1094. Section 331.394, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. If a service authorization or other services-related
2 decision made by a regional administrator concerning a person
3 varies from the type and amount of service identified to be
4 necessary for the person in a clinical determination made by a
5 mental health professional and the mental health professional
6 believes that failure to provide the type and amount of service
7 identified could cause an immediate danger to the person's
8 health or safety, the person may request an expedited review
9 of the regional administrator's decision to be made by the
10 department of human services. An expedited review held in
11 accordance with this subsection is subject to the following
12 procedures:

13 a. The request for the expedited review shall be filed
14 within five business days of receiving the notice of decision
15 by the regional administrator. The request must be in writing,
16 plainly state the request for an expedited review in the
17 caption and body of the request, and be supported by written
18 documentation from the mental health professional who made the
19 clinical determination stating how the notice of decision on
20 services could cause an immediate danger to the person's health
21 or safety.

22 b. The expedited review shall be performed by a designee
23 of the director who is a mental health professional, ~~who is~~
24 ~~either the administrator of the division of mental health and~~
25 ~~disability services of the department of human services or the~~
26 ~~administrator's designee. If the administrator is not a mental~~
27 ~~health professional, the expedited review shall be performed~~
28 ~~by a designee of the administrator who is a mental health~~
29 ~~professional~~ and is free of any conflict of interest to perform
30 the expedited review. The expedited review shall be performed
31 within two business days of the time the request is filed. If
32 the reviewer determines the information submitted in connection
33 with the request is inadequate to perform the review, the
34 reviewer shall request the submission of additional information
35 and the review shall be performed within two business days of

1 the time that adequate information is submitted. The regional
2 administrator and the person, with the assistance of the mental
3 health professional who made the clinical determination, shall
4 each provide a brief statement of facts, conclusions, and
5 reasons for the decision made. Supporting clinical information
6 shall also be attached. All information related to the
7 proceedings and any related filings shall be considered to be
8 mental health information subject to chapter 228.

9 c. The ~~administrator or~~ director's designee shall issue
10 an order, including a brief statement of findings of fact,
11 conclusions of law, and policy reasons for the order, to
12 justify the decision made concerning the expedited review.
13 If the decision concurs with the contention that there is an
14 immediate danger to the person's health or safety, the order
15 shall identify the type and amount of service which shall be
16 provided for the person. The ~~administrator or~~ director's
17 designee shall give such notice as is practicable to persons
18 who are required to comply with the order. The order is
19 effective when issued.

20 d. The decision of the ~~administrator or~~ director's designee
21 shall be considered a final agency action and is subject to
22 judicial review in accordance with section 17A.19. The record
23 for judicial review consists of any documents regarding the
24 matter that were considered or prepared by the ~~administrator or~~
25 director's designee. The ~~administrator or~~ director's designee
26 shall maintain these documents as the official record of the
27 decision. If the matter is appealed to the district court, the
28 record shall be filed as confidential.

29 Sec. 1095. Section 331.396, subsection 1, paragraphs c and
30 d, Code 2023, are amended to read as follows:

31 c. The person has had at any time during the preceding
32 twelve-month period a mental health, behavioral, or emotional
33 disorder or, in the opinion of a mental health professional,
34 may now have such a diagnosable disorder. The diagnosis
35 shall be made in accordance with the criteria provided in

1 the diagnostic and statistical manual of mental disorders,
2 fourth edition, text revision, published by the American
3 psychiatric association, and shall not include the manual's
4 "V" codes identifying conditions other than a disease or
5 injury. The diagnosis shall also not include ~~substance-related~~
6 substance use disorders, dementia, antisocial personality, or
7 developmental disabilities, unless co-occurring with another
8 diagnosable mental illness.

9 d. The person's eligibility for individualized services
10 shall be determined in accordance with the standardized
11 functional assessment methodology approved for mental health
12 services by the director ~~of human services~~ in consultation with
13 the state commission.

14 Sec. 1096. Section 331.396, subsection 2, paragraph e, Code
15 2023, is amended to read as follows:

16 e. The person's eligibility for individualized services
17 shall be determined in accordance with the standardized
18 functional assessment methodology approved for intellectual
19 disability and developmental disability services by the
20 director ~~of human services~~.

21 Sec. 1097. Section 331.396, subsection 3, paragraph d, Code
22 2023, is amended to read as follows:

23 d. The person's eligibility for individualized services
24 shall be determined in accordance with a standardized
25 functional assessment methodology approved for this purpose by
26 the director ~~of human services~~.

27 Sec. 1098. Section 331.397, subsection 2, paragraph a,
28 subparagraph (2), Code 2023, is amended to read as follows:

29 (2) Subject to the available appropriations, the director
30 ~~of human services~~ shall ensure the core service domains listed
31 in subsections 4 and 5 are covered services for the medical
32 assistance program under chapter 249A to the greatest extent
33 allowable under federal regulations. The medical assistance
34 program shall reimburse Medicaid enrolled providers for
35 Medicaid covered services under subsections 4 and 5 when

1 the services are medically necessary, the Medicaid enrolled
2 provider submits an appropriate claim for such services, and
3 no other third-party payer is responsible for reimbursement of
4 such services. Within funds available, the region shall pay
5 for such services for eligible persons when payment through the
6 medical assistance program or another third-party payment is
7 not available, unless the person is on a waiting list for such
8 payment or it has been determined that the person does not meet
9 the eligibility criteria for any such service.

10 Sec. 1099. Section 331.397, subsection 3, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:

12 Pursuant to recommendations made by the director ~~of human~~
13 ~~services~~, the state commission shall adopt rules as required
14 by section 225C.6 to define the services included in the core
15 service domains listed in this section. The rules shall
16 provide service definitions, service provider standards,
17 service access standards, and service implementation dates, and
18 shall provide consistency, to the extent possible, with similar
19 service definitions under the medical assistance program.

20 Sec. 1100. Section 331.397A, subsection 2, paragraph a,
21 subparagraph (2), Code 2023, is amended to read as follows:

22 (2) Subject to the available appropriations, the director
23 ~~of human services~~ shall ensure the behavioral health core
24 service domains listed in subsection 4 are covered services
25 for the medical assistance program under chapter 249A to the
26 greatest extent allowable under federal regulations. The
27 medical assistance program shall reimburse Medicaid enrolled
28 providers for Medicaid covered services under subsection 4 when
29 the services are medically necessary, the Medicaid enrolled
30 provider submits an appropriate claim for such services, and
31 no other third-party payor is responsible for reimbursement
32 of such services. Within the funds available, the region
33 shall pay for such services for eligible children when payment
34 through the medical assistance program or another third-party
35 payment is not available, unless the child is on a waiting list

1 for such payment or it has been determined that the child does
2 not meet the eligibility criteria for any such service.

3 Sec. 1101. Section 331.397A, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. Pursuant to recommendations made by the state board, the
6 department of ~~human services~~ shall adopt rules to define the
7 services included in the core domains listed in this section.
8 The rules shall provide service definitions, service provider
9 standards, service access standards, and service implementation
10 dates, and shall provide consistency, to the extent possible,
11 with similar service definitions under the medical assistance
12 program.

13 Sec. 1102. Section 331.398, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. The financing of a ~~regional~~ mental health and disability
16 services regional service system is limited to a fixed budget
17 amount. The fixed budget amount shall be the amount identified
18 in a regional service system management plan and budget for the
19 fiscal year.

20 Sec. 1103. Section 331.402, subsection 2, paragraph b, Code
21 2023, is amended to read as follows:

22 b. Enter into an agreement with the ~~state~~ department of
23 health and human services for assistance in accordance with
24 section 249A.12.

25 Sec. 1104. Section 331.424, subsection 1, paragraph
26 a, subparagraph (1), subparagraph division (a), unnumbered
27 paragraph 1, Code 2023, is amended to read as follows:

28 The costs of inpatient or outpatient substance ~~abuse~~ use
29 disorder admission, commitment, transportation, care, and
30 treatment at any of the following:

31 Sec. 1105. Section 331.756, subsections 26 and 39, Code
32 2023, are amended to read as follows:

33 26. At the request of the director of ~~public~~ health and
34 human services, commence legal action to enjoin the unlawful
35 use of radiation-emitting equipment as provided in section

1 136C.5.

2 39. Appear on behalf of the ~~administrator of the division~~
 3 ~~of mental health and disability services~~ director of the
 4 ~~department of health and~~ human services in support of an
 5 application to transfer a person with mental illness who
 6 becomes incorrigible and dangerous from a state hospital ~~for~~
 7 ~~persons with mental illness~~ mental health institute to the
 8 Iowa medical and classification center as provided in section
 9 226.30.

10 Sec. 1106. Section 331.910, Code 2023, is amended to read
 11 as follows:

12 331.910 Interstate contracts for mental health and
 13 ~~substance-related~~ substance use disorder treatment.

14 1. *Purpose.* The purpose of this section is to enable
 15 appropriate care and treatment to be provided to a person with
 16 a ~~substance-related~~ substance use disorder or a mental illness,
 17 across state lines from the person's state of residence, in
 18 qualified hospitals, centers, and facilities.

19 2. *Definitions.* For the purposes of this section:

20 a. "Bordering state" means Illinois, Minnesota, Missouri,
 21 Nebraska, South Dakota, or Wisconsin.

22 b. "Receiving agency" means a public or private hospital,
 23 mental health center, substance ~~abuse~~ use disorder treatment
 24 and rehabilitation facility, or detoxification center, which
 25 provides substance ~~abuse~~ use disorder or mental health care
 26 and treatment to a person from a state other than the state in
 27 which a hospital, center, or facility is located.

28 c. "Receiving state" means the state in which a receiving
 29 agency is located.

30 d. "Region" means a mental health and disability services
 31 region formed in accordance with section 331.389.

32 e. "Sending agency" means a state or regional agency
 33 located in a state which sends a person to a receiving state
 34 for substance ~~abuse~~ use disorder or mental health care and
 35 treatment under this section.

1 *f. "Sending state"* means the state in which a sending agency
2 is located.

3 3. *Voluntary civil commitments.*

4 *a.* A region may contract with a receiving agency in a
5 bordering state to secure substance ~~abuse~~ use disorder or
6 mental health care and treatment under this subsection for
7 persons who receive substance ~~abuse~~ use disorder or mental
8 health care and treatment pursuant to section 125.33, 125.91,
9 229.2, or 229.22 through a region.

10 *b.* This subsection shall not apply to a person who is any
11 of the following:

12 (1) Serving a criminal sentence.

13 (2) On probation or parole.

14 (3) The subject of a presentence investigation.

15 *c.* A region may contract with a sending agency in a
16 bordering state to provide care and treatment under this
17 subsection for residents of the bordering state in approved
18 substance ~~abuse~~ use disorder and mental health care and
19 treatment hospitals, centers, and facilities in this state,
20 except that care and treatment shall not be provided for
21 residents of the bordering state who are involved in criminal
22 proceedings substantially similar to the involvement described
23 in paragraph "b".

24 4. *Involuntary civil commitments.*

25 *a.* A person who is detained, committed, or placed on an
26 involuntary basis under section 125.75, 125.91, 229.6, or
27 229.22 may be civilly committed and treated in another state
28 pursuant to a contract under this subsection.

29 *b.* A person who is detained, committed, or placed on
30 an involuntary basis under the civil commitment laws of a
31 bordering state substantially similar to section 125.75,
32 125.91, 229.6, or 229.22 may be civilly committed and treated
33 in this state pursuant to a contract under this subsection.

34 *c.* A law enforcement officer acting under the authority of a
35 sending state may transport a person to a receiving agency that

1 provides substance ~~abuse~~ use disorder or mental health care and
2 treatment pursuant to a contract under this subsection and may
3 transport the person back to the sending state under the laws
4 of the sending state.

5 *d.* Court orders valid under the law of the sending state
6 are granted recognition and reciprocity in the receiving state
7 for a person covered by a contract under this subsection to
8 the extent that the court orders relate to civil commitment
9 for substance ~~abuse~~ use disorder or mental health care and
10 treatment. Such care and treatment may include care and
11 treatment for co-occurring ~~substance-related~~ substance use and
12 mental health disorders. Such court orders are not subject to
13 legal challenge in the courts of the receiving state.

14 *e.* A person who is detained, committed, or placed under the
15 laws of a sending state and who is transferred to a receiving
16 state under this subsection shall be considered to be in the
17 legal custody of the authority responsible for the person under
18 the laws of the sending state with respect to the involuntary
19 civil commitment of the person due to a mental illness or a
20 ~~substance-related~~ substance use disorder.

21 *f.* While in the receiving state pursuant to a contract
22 under this subsection, a person detained, committed, or placed
23 under the laws of a sending state shall be subject to all laws
24 and regulations of the receiving state, except those laws and
25 regulations with respect to the involuntary civil commitment
26 of the person due to a mental illness or ~~substance-related~~
27 substance use disorder. A person shall not be sent to a
28 receiving state pursuant to a contract under this subsection
29 until the receiving state has enacted a law recognizing the
30 validity and applicability of this subsection.

31 *g.* If a person receiving care and treatment pursuant to
32 a contract under this subsection escapes from the receiving
33 agency and the person at the time of the escape is subject to
34 involuntary civil commitment under the laws of the sending
35 state, the receiving agency shall use all reasonable means to

1 recapture the escapee. The receiving agency shall immediately
2 report the escape of the person to the sending agency. The
3 receiving state has the primary responsibility for, and the
4 authority to direct, the pursuit, retaking, and prosecution of
5 escaped persons within its borders and is liable for the cost
6 of such action to the extent that it would be liable for costs
7 if its own resident escaped.

8 *h.* Responsibility for payment for the cost of care and
9 treatment under this subsection shall remain with the sending
10 agency.

11 5. A contract entered into under this section shall, at a
12 minimum, meet all of the following requirements:

13 *a.* Describe the care and treatment to be provided.

14 *b.* Establish responsibility for the costs of the care and
15 treatment, except as otherwise provided in subsection 4.

16 *c.* Establish responsibility for the costs of transporting
17 individuals receiving care and treatment under this section.

18 *d.* Specify the duration of the contract.

19 *e.* Specify the means of terminating the contract.

20 *f.* Identify the goals to be accomplished by the placement
21 of a person under this section.

22 6. This section shall apply to all of the following:

23 *a.* Detoxification services that are unrelated to substance
24 ~~abuse~~ use disorder or mental health care and treatment
25 regardless of whether the care and treatment are provided on a
26 voluntary or involuntary basis.

27 *b.* Substance ~~abuse~~ use disorder and mental health care and
28 treatment contracts that include emergency care and treatment
29 provided to a resident of this state in a bordering state.

30 Sec. 1107. Section 347.7, subsection 4, paragraph a, Code
31 2023, is amended to read as follows:

32 *a.* The tax levy authorized by this section for operation
33 and maintenance of the hospital may be available in whole or in
34 part to any county with or without a county hospital organized
35 under this chapter, to be used to enhance rural health services

1 in the county. However, the tax levied may be expended for
 2 enhancement of rural health care services only following a
 3 local planning process. The ~~Iowa~~ department of ~~public~~ health
 4 and human services shall establish guidelines to be followed
 5 by counties in implementing the local planning process which
 6 shall require legal notice, public hearings, and a referendum
 7 in accordance with this subsection prior to the authorization
 8 of any new levy or a change in the use of a levy. The notice
 9 shall describe the new levy or the change in the use of the
 10 levy, indicate the date and location of the hearing, and shall
 11 be published at least once each week for two consecutive weeks
 12 in a newspaper having general circulation in the county. The
 13 hearing shall not take place prior to two weeks after the
 14 second publication.

15 Sec. 1108. Section 347.16, subsection 2, Code 2023, is
 16 amended to read as follows:

17 2. Free care and treatment shall be furnished in a county
 18 public hospital to any sick or injured person who fulfills
 19 the residency requirements under section 47.4, subsection
 20 1, paragraph "d", Code 1993, in the county maintaining the
 21 hospital, and who is indigent. The board of hospital trustees
 22 shall determine whether a person is indigent and entitled
 23 to free care under this subsection, or may delegate that
 24 determination to the general assistance director or the office
 25 of the department of health and human services in that county,
 26 subject to guidelines the board may adopt in conformity with
 27 applicable statutes.

28 Sec. 1109. Section 347B.14, Code 2023, is amended to read
 29 as follows:

30 **347B.14 Effect of approval of plans.**

31 When plans for construction or modification of a county care
 32 facility have been properly approved by the ~~Iowa~~ department of
 33 ~~public~~ health and human services or other appropriate state
 34 agency, the facility constructed in accord with the plans so
 35 approved shall not for a period of at least ten years from

1 completion of the construction or modification be considered
 2 deficient or ineligible for licensing by reason of failure
 3 to meet any regulation or standard established subsequent to
 4 approval of the construction and modification plans, unless a
 5 clear and present danger exists that would adversely affect the
 6 residents of the facility.

7 Sec. 1110. Section 351.40, Code 2023, is amended to read as
 8 follows:

9 **351.40 Quarantine.**

10 If a local board of health believes rabies to be epidemic, or
 11 believes there is a threat of epidemic, in its jurisdiction,
 12 it may declare a quarantine in all or part of the area under
 13 its jurisdiction and such declaration shall be reported to the
 14 Iowa department of ~~public~~ health and human services. During
 15 the period of quarantine, any person owning or having a dog in
 16 the person's possession in the quarantined area shall keep such
 17 animal securely enclosed or on a leash for the duration of the
 18 quarantine period.

19 Sec. 1111. Section 356.37, Code 2023, is amended to read as
 20 follows:

21 **356.37 Confinement and detention report — design proposals.**

22 The ~~division of~~ subunit of the department of health and
 23 human services responsible for criminal and juvenile justice
 24 ~~planning of the department of human rights~~, in consultation
 25 with the department of corrections, the Iowa county attorneys
 26 association, the Iowa state sheriff's association, the
 27 Iowa peace officers association, a statewide organization
 28 representing rural property taxpayers, the Iowa league of
 29 cities, and the Iowa board of supervisors association, shall
 30 prepare a report analyzing the confinement and detention
 31 needs of jails and facilities established pursuant to this
 32 chapter and chapter 356A. The report for each type of jail or
 33 facility shall include but is not limited to an inventory of
 34 prisoner space, daily prisoner counts, options for detention
 35 of prisoners with mental illness or substance ~~abuse~~ use

1 disorder service needs, and the compliance status under section
2 356.36 for each jail or facility. The report shall contain an
3 inventory of recent jail or facility construction projects in
4 which voters have approved the issuance of general obligation
5 bonds, essential county purpose bonds, revenue bonds, or bonds
6 issued pursuant to chapter 423B. The report shall be revised
7 periodically as directed by the ~~administrator of the division~~
8 ~~of criminal and juvenile justice planning~~ director of health
9 and human services. The first submission of the report shall
10 include recommendations on offender data needed to estimate
11 jail space needs in the next two, three, and five years, on a
12 county, geographic region, and statewide basis, which may be
13 based upon information submitted pursuant to section 356.49.

14 Sec. 1112. Section 356.48, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. A person confined to a jail or in the custody of a peace
17 officer, who bites another person, who causes an exchange of
18 bodily fluids with another person, or who causes any bodily
19 secretion to be cast upon another person, shall submit to the
20 withdrawal of a bodily specimen for testing to determine if
21 the person is infected with a contagious or infectious disease
22 as defined in section 141A.2. The bodily specimen to be taken
23 shall be determined by the attending physician of the jail
24 or the county medical examiner. The specimen taken shall be
25 sent to the state hygienic laboratory ~~at the state university~~
26 ~~at Iowa City~~ or some other laboratory approved by the Iowa
27 department of public health and human services. If a person
28 to be tested pursuant to this section refuses to submit to the
29 withdrawal of a bodily specimen, the sheriff, person in charge
30 of the jail, or any potentially infected person may file an
31 application with the district court for an order compelling
32 the person that may have caused an infection to submit to the
33 withdrawal and, if infected, to receive available treatment.
34 An order authorizing the withdrawal of a specimen for testing
35 may be issued only by a district judge or district associate

1 judge upon application by the sheriff, person in charge of the
2 jail, or any other potentially infected person.

3 Sec. 1113. Section 358.24, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. A sanitary district adjoining a border of the state and
6 owning and operating a sewage disposal plant, may contract with
7 the governing body of any legal entity in an adjacent area
8 in another state, to process the sewage from the area. The
9 contract shall be subject to approval of the ~~Iowa~~ department of
10 public health and human services.

11 Sec. 1114. Section 364.3, subsection 5, Code 2023, is
12 amended to read as follows:

13 5. A city shall not adopt or enforce any ordinance imposing
14 any registration or licensing system or registration or license
15 fees for or relating to owner-occupied manufactured or mobile
16 homes including the lots, lands, or manufactured home community
17 or mobile home park upon or in which they are located. A
18 city shall not adopt or enforce any ordinance imposing any
19 registration or licensing system, or registration or license
20 fees, or safety or sanitary standards for rental manufactured
21 or mobile homes unless a similar registration or licensing
22 system, or registration or license fees, or safety or sanitary
23 standards are required for other rental properties intended
24 for human habitation. This subsection does not preclude the
25 investigation and abatement of a nuisance or the enforcement of
26 a tiedown system, or the enforcement of any regulations of the
27 state council on health and human services or local board of
28 health if those regulations apply to other rental properties or
29 to owner-occupied housing intended for human habitation.

30 Sec. 1115. Section 403A.23, Code 2023, is amended to read
31 as follows:

32 **403A.23 Eligibility of persons receiving public assistance.**

33 Any statute to the contrary notwithstanding, no person
34 otherwise eligible to be a tenant in a municipal housing
35 project, shall be declared ineligible ~~therefor~~ or denied

1 occupancy ~~therein~~ in the municipal housing project merely
 2 because the person is receiving in some form public assistance
 3 ~~such as~~ including but not limited to federal supplemental
 4 security income or state supplementary ~~payments,~~ assistance as
 5 defined by section 249.1, ~~or welfare assistance,~~ unemployment
 6 compensation, or social security ~~payments,~~ etc.

7 Sec. 1116. Section 411.6, subsection 16, paragraph c, Code
 8 2023, is amended to read as follows:

9 c. A member eligible to commence receiving a disability
 10 benefit on or after July 1, 2000, may be ineligible to receive
 11 a disability retirement benefit if the system determines that
 12 the member's alcoholism or drug addiction was a contributing
 13 factor material to the determination of the member's
 14 disability. Upon a determination that the member's alcoholism
 15 or drug addiction was a contributing factor in the member's
 16 disability, the system shall direct the member to undergo
 17 substance ~~abuse~~ use disorder treatment that the medical board
 18 determines is appropriate to treat the member's alcoholism
 19 or drug addiction. After the end of a twenty-four-month
 20 period following the member's first month of entitlement to a
 21 disability benefit, the system shall reevaluate the member's
 22 disability. If the system determines that the member failed to
 23 comply with the treatment program prescribed by this paragraph
 24 and that the member would not be disabled but for the member's
 25 alcoholism or drug addiction, the member's entitlement to a
 26 disability benefit under this chapter shall terminate effective
 27 the first day of the first month following the month the member
 28 is notified of the system's determination.

29 Sec. 1117. Section 421.17, subsections 20 and 21, Code 2023,
 30 are amended to read as follows:

31 20. To cooperate with ~~the child support recovery unit~~
 32 services created in chapter 252B to establish and maintain
 33 a process to implement the provisions of section 252B.5,
 34 subsection 9. The department of revenue shall forward to
 35 individuals meeting the criteria under section 252B.5,

1 subsection 9, paragraph "a", a notice by first class mail that
2 the individual is obligated to file a state estimated tax form
3 and to remit a separate child support payment.

4 a. Individuals notified shall submit a state estimated tax
5 form on a quarterly basis.

6 b. The individual shall pay monthly, the lesser of the total
7 delinquency or one hundred fifty percent of the current or most
8 recent monthly obligation.

9 c. The individual shall remit the payment to the department
10 of revenue separate from any tax liability payments, identify
11 the payment as a support payment, and make the payment payable
12 to the collection services center. The department shall
13 forward all payments received pursuant to this section to the
14 collection services center established pursuant to chapter
15 252B, for processing and disbursement. The department of
16 revenue may establish a process for ~~the child support recovery~~
17 ~~unit~~ services or the collection services center to directly
18 receive the payments. For purposes of crediting the support
19 payments pursuant to sections 252B.14 and 598.22, payments
20 received by the department of revenue and forwarded to the
21 collection services center shall be credited as if received
22 directly by the collection services center.

23 d. The notice shall provide that, as an alternative to the
24 provisions of paragraph "b", the individual may contact ~~the~~
25 child support ~~recovery unit~~ services to formalize a repayment
26 plan and obtain an exemption from the quarterly filing
27 requirement when payments are made pursuant to the repayment
28 plan or to contest the balance due listed in the notice.

29 e. The department of revenue, in cooperation with ~~the child~~
30 support ~~recovery unit~~ services, may adopt rules, if necessary,
31 to implement this subsection.

32 21. To provide information contained in state individual
33 tax returns to ~~the child support recovery unit~~ services
34 for the purposes of establishment or enforcement of support
35 obligations. The department of revenue and child support

1 ~~recovery unit~~ services may exchange information in a manual or
2 automated fashion. The department of revenue, in cooperation
3 with ~~the child support recovery unit services~~, may adopt rules,
4 if necessary, to implement this subsection.

5 Sec. 1118. Section 422.7, subsection 42, paragraph a,
6 subparagraph (6), Code 2023, is amended to read as follows:

7 (6) Subtract to the extent included the amount of a
8 recruitment and retention bonus, not to exceed one thousand
9 dollars, received by a child care worker through the
10 recruitment and retention bonus program administered by the
11 department of health and human services.

12 Sec. 1119. Section 422.12A, subsection 1, paragraph a, Code
13 2023, is amended to read as follows:

14 a. "*Adoption*" means the permanent placement in this state of
15 a child by the department of health and human services, by an
16 adoption service provider as defined in section 600A.2, or by
17 an agency that meets the provisions of the interstate compact
18 in section 232.158.

19 Sec. 1120. Section 422.12A, subsection 5, Code 2023, is
20 amended to read as follows:

21 5. The department of revenue and the department of health
22 and human services shall each adopt rules to jointly administer
23 this section.

24 Sec. 1121. Section 422.12K, subsection 3, Code 2023, is
25 amended to read as follows:

26 3. The department of health and human services may authorize
27 payment of moneys from the child abuse prevention program fund
28 in accordance with section 235A.2.

29 Sec. 1122. Section 422D.6, subsection 3, paragraph b, Code
30 2023, is amended to read as follows:

31 b. Nondisposable essential ambulance equipment, as defined
32 by rule by the ~~Iowa~~ department of ~~public~~ health and human
33 services.

34 Sec. 1123. Section 423.3, subsection 18, paragraphs b, c, d,
35 and g, Code 2023, are amended to read as follows:

1 *b.* Residential facilities licensed by the department of
2 health and human services pursuant to chapter 237, other than
3 those maintained by individuals as defined in section 237.1,
4 subsection 7.

5 *c.* Rehabilitation facilities that provide accredited
6 rehabilitation services to persons with disabilities which are
7 accredited by the commission on accreditation of rehabilitation
8 facilities or the council on quality and leadership and adult
9 day care services approved for reimbursement by the state
10 department of health and human services.

11 *d.* Community mental health centers accredited by the
12 department of health and human services pursuant to chapter
13 225C.

14 *g.* Substance ~~abuse~~ use disorder treatment or prevention
15 programs that receive block grant funding from the Iowa
16 department of ~~public~~ health and human services.

17 Sec. 1124. Section 423.3, subsection 18, paragraph f,
18 unnumbered paragraph 1, Code 2023, is amended to read as
19 follows:

20 Home and community-based services providers certified to
21 offer Medicaid waiver services by the department of health and
22 human services that are any of the following:

23 Sec. 1125. Section 423.3, subsections 31 and 58, Code 2023,
24 are amended to read as follows:

25 31. *a.* The sales price of tangible personal property or
26 specified digital products sold to and of services furnished
27 to a tribal government ~~as defined in section 216A.161~~, or the
28 sales price of tangible personal property or specified digital
29 products sold to and of services furnished, and used for public
30 purposes sold to a tax-certifying or tax-levying body of the
31 state or a governmental subdivision of the state, including the
32 following: regional transit systems, as defined in section
33 324A.1; the state board of regents; department of health
34 and human services; state department of transportation; any
35 municipally owned solid waste facility which sells all or part

1 of its processed waste as fuel to a municipally owned public
2 utility; and all divisions, boards, commissions, agencies,
3 or instrumentalities of state, federal, county, municipal,
4 or tribal government which have no earnings going to the
5 benefit of an equity investor or stockholder, except any of the
6 following:

7 ~~a.~~ (1) The sales price of tangible personal property or
8 specified digital products sold to, or of services furnished,
9 and used by or in connection with the operation of any
10 municipally owned public utility engaged in selling gas,
11 electricity, heat, pay television service, or communication
12 service to the general public.

13 ~~b.~~ (2) The sales price of furnishing of sewage services to
14 a county or municipality on behalf of nonresidential commercial
15 operations.

16 ~~c.~~ (3) The furnishing of solid waste collection and
17 disposal service to a county or municipality on behalf of
18 nonresidential commercial operations located within the county
19 or municipality.

20 b. For the purposes of this subsection, "tribal government"
21 means the governing body of a federally recognized Indian
22 tribe.

23 58. The sales price from the sale of items purchased with
24 ~~coupons, food stamps, electronic benefits transfer cards a~~
25 supplemental nutrition assistance program benefit transfer
26 instrument as defined in section 234.13, or other methods
27 method of payment authorized by the United States department
28 of agriculture, and issued under the federal Food Stamp Act of
29 1977, 7 U.S.C. §2011 et seq. or under the federal supplemental
30 nutritional assistance program established in 7 U.S.C. §2013.

31 Sec. 1126. Section 423.4, subsection 1, paragraph a,
32 subparagraphs (4) and (9), Code 2023, are amended to read as
33 follows:

34 (4) A tax-certifying or tax-levying body or governmental
35 subdivision of the state, including the state board of regents,

1 ~~state the department of health and human services, and the~~
2 state department of transportation.

3 (9) A tribal government ~~as defined in section 216A.161,~~
4 and any instrumentalities of the tribal government which do
5 not have earnings going to the benefit of an equity investor
6 or stockholder. For the purposes of this subparagraph, "tribal
7 government" means the governing body of a federally recognized
8 Indian tribe.

9 Sec. 1127. Section 425.2, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. In case the owner of the homestead is in active service
12 in the armed forces of this state or of the United States,
13 or is sixty-five years of age or older, or is disabled, the
14 statement and designation may be signed and delivered by any
15 member of the owner's family, by the owner's guardian or
16 conservator, or by any other person who may represent the owner
17 under power of attorney. If the owner of the homestead is
18 married, the spouse may sign and deliver the statement and
19 designation. The director of health and human services or
20 the director's designee may make application for the benefits
21 of this subchapter as the agent for and on behalf of persons
22 receiving assistance under chapter 249.

23 Sec. 1128. Section 425.16, subsection 2, paragraph b, Code
24 2023, is amended to read as follows:

25 b. The reimbursement of rent constituting property taxes
26 paid under this subchapter shall be administered by the
27 department of health and human services as provided in this
28 subchapter.

29 Sec. 1129. Section 425.17, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. "*Gross rent*" means rental paid at arm's length for the
32 right of occupancy of a homestead or manufactured or mobile
33 home, including rent for space occupied by a manufactured or
34 mobile home not to exceed one acre. If the department of
35 health and human services determines that the landlord and

1 tenant have not dealt with each other at arm's length, and the
2 department of health and human services is satisfied that the
3 gross rent charged was excessive, the department of health and
4 human services shall adjust the gross rent to a reasonable
5 amount as determined by the department of health and human
6 services.

7 Sec. 1130. Section 425.18, Code 2023, is amended to read as
8 follows:

9 **425.18 Right to file a claim.**

10 The right to file a claim for reimbursement or credit under
11 this subchapter may be exercised by the claimant or on behalf
12 of a claimant by the claimant's legal guardian, spouse, or
13 attorney, or by the executor or administrator of the claimant's
14 estate. If a claimant dies after having filed a claim for
15 reimbursement for rent constituting property taxes paid, the
16 amount of the reimbursement may be paid to another member of
17 the household as determined by the department of health and
18 human services. If the claimant was the only member of the
19 household, the reimbursement may be paid to the claimant's
20 executor or administrator, but if neither is appointed and
21 qualified within one year from the date of the filing of
22 the claim, the reimbursement shall escheat to the state. If
23 a claimant dies after having filed a claim for credit for
24 property taxes due, the amount of credit shall be paid as if
25 the claimant had not died.

26 Sec. 1131. Section 425.19, Code 2023, is amended to read as
27 follows:

28 **425.19 Claim and credit or reimbursement.**

29 Subject to the limitations provided in this subchapter, a
30 claimant may annually claim a credit for property taxes due
31 during the fiscal year next following the base year or claim
32 a reimbursement for rent constituting property taxes paid in
33 the base year. The amount of the credit for property taxes
34 due for a homestead shall be paid on June 15 of each year
35 from the elderly and disabled property tax credit fund under

1 section 425.39, subsection 1, by the director of revenue to
2 the county treasurer who shall credit the money received
3 against the amount of the property taxes due and payable on the
4 homestead of the claimant and the amount of the reimbursement
5 for rent constituting property taxes paid shall be paid by the
6 director of health and human services to the claimant from the
7 reimbursement fund under section 425.39, subsection 2, on or
8 before December 31 of each year.

9 Sec. 1132. Section 425.20, subsections 1 and 3, Code 2023,
10 are amended to read as follows:

11 1. A claim for reimbursement for rent constituting property
12 taxes paid shall not be paid or allowed, unless the claim is
13 filed with and in the possession of the department of health
14 and human services on or before June 1 of the year following
15 the base year.

16 3. In case of sickness, absence, or other disability of
17 the claimant or if, in the judgment of the director of revenue
18 or the director of health and human services, as applicable,
19 good cause exists and the claimant requests an extension, the
20 director of health and human services may extend the time for
21 filing a claim for reimbursement and the director of revenue
22 may extend the time for filing a claim for credit. However,
23 any further time granted shall not extend beyond December 31
24 of the year following the year in which the claim was required
25 to be filed. Claims filed as a result of this subsection shall
26 be filed with the director of health and human services or the
27 director of revenue, as applicable, who shall provide for the
28 reimbursement of the claim to the claimant.

29 Sec. 1133. Section 425.25, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. The director of health and human services shall make
32 available suitable forms with instructions for claimants of the
33 reimbursement for rent constituting property taxes paid. The
34 claim shall be in a form as the director of health and human
35 services may prescribe. The director of revenue shall devise a

1 reimbursement table with amounts rounded to the nearest even
2 whole dollar and provide such table to the director of health
3 and human services. Reimbursements in the amount of less than
4 one dollar shall not be paid.

5 Sec. 1134. Section 425.26, subsection 2, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 Every claimant for reimbursement of rent constituting
8 property taxes paid shall give the department of health and
9 human services, in support of the claim, reasonable proof of:

10 Sec. 1135. Section 425.26, subsection 3, Code 2023, is
11 amended to read as follows:

12 3. The department of revenue or the department of health and
13 human services may require any additional proof necessary to
14 support a claim.

15 Sec. 1136. Section 425.27, subsection 1, paragraph b, Code
16 2023, is amended to read as follows:

17 b. The department of health and human services is
18 responsible for the audit of claims for reimbursement for rent
19 constituting property taxes paid under this subchapter.

20 Sec. 1137. Section 425.27, subsection 3, Code 2023, is
21 amended to read as follows:

22 3. If on the audit of a claim for reimbursement for rent
23 constituting property taxes paid under this subchapter, the
24 department of health and human services determines the amount
25 of the claim to have been incorrectly calculated or that the
26 claim is not allowable, the department of health and human
27 services shall recalculate the claim and notify the claimant
28 of the recalculation or denial and the reasons for it. The
29 recalculation of the claim shall be final unless appealed
30 to the director of health and human services within thirty
31 days from the date of notice of recalculation or denial. The
32 director of health and human services shall grant a hearing,
33 and upon hearing determine the correct claim, if any, and
34 notify the claimant of the decision by mail. The department of
35 health and human services shall not adjust a claim after three

1 years from October 31 of the year in which the claim was filed.
2 If the claim for reimbursement has been paid, the amount may be
3 recovered by the department of health and human services. The
4 decision of the director of health and human services shall be
5 final unless appealed as provided in section 425.31.

6 Sec. 1138. Section 425.27, subsection 4, paragraph b, Code
7 2023, is amended to read as follows:

8 b. For the purpose of administering the reimbursement for
9 rent constituting property taxes paid, including the duties of
10 the director of health and human services and the department of
11 health and human services under this subchapter, the director
12 of health and human services shall have the same powers as
13 those described in section 422.70.

14 Sec. 1139. Section 425.28, subsections 2, 3, and 4, Code
15 2023, are amended to read as follows:

16 2. A claimant for reimbursement of rent constituting
17 property taxes paid shall expressly waive any right to
18 confidentiality relating to all income tax information
19 obtainable by the department of health and human services.

20 3. For the effective administration of this subchapter, the
21 department of revenue and the department of health and human
22 services shall share information obtained by each department
23 from claimants under this subchapter.

24 4. In addition to the sharing of information under
25 subsection 3, the department of health and human services may
26 release information pertaining to a person's eligibility or
27 claim for or receipt of rent reimbursement to an employee of
28 the department of inspections and appeals in the employee's
29 official conduct of an audit or investigation.

30 Sec. 1140. Section 425.29, subsection 3, Code 2023, is
31 amended to read as follows:

32 3. In the case of a claim for reimbursement disallowed by
33 the department of health and human services, the department of
34 health and human services may impose penalties described in
35 section 421.27. The department of health and human services

1 shall send a notice of disallowance of the claim.

2 Sec. 1141. Section 425.31, subsections 2, 3, and 4, Code
3 2023, are amended to read as follows:

4 2. Judicial review of the actions of the director of health
5 and human services or the department of health and human
6 services under this subchapter may be sought in accordance with
7 the terms of chapter 17A and the rules of the department of
8 health and human services.

9 3. For cause and upon a showing by the director of revenue
10 or the director of health and human services, as applicable,
11 that collection of the amount in dispute is in doubt, the
12 court may order the petitioner to file with the clerk a bond
13 for the use of the respondent, with sureties approved by the
14 clerk, equal to the amount appealed from, conditioned that the
15 petitioner shall perform the orders of the court.

16 4. An appeal may be taken by the claimant or the director
17 of revenue or the director of health and human services, as
18 applicable, to the supreme court of this state irrespective of
19 the amount involved.

20 Sec. 1142. Section 425.33, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. If upon petition by a claimant the department of health
23 and human services determines that a landlord has increased the
24 claimant's rent primarily because the claimant is eligible for
25 reimbursement under this subchapter, the department of health
26 and human services shall request the landlord by mail to reduce
27 the rent appropriately.

28 Sec. 1143. Section 425.33, subsection 2, unnumbered
29 paragraph 1, Code 2023, is amended to read as follows:

30 In determining whether a landlord has increased a
31 claimant's rent primarily because the claimant is eligible for
32 reimbursement under this subchapter, the department of health
33 and human services shall consider the following factors:

34 Sec. 1144. Section 425.33, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. If the landlord fails to comply with the request of the
2 department of health and human services within fifteen days
3 after the request is mailed, the department of health and human
4 services shall order the rent reduced by an appropriate amount.

5 Sec. 1145. Section 425.34, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. If the department of health and human services orders a
8 landlord to reduce rent to a claimant, then upon the request
9 of the landlord the department of health and human services
10 shall hold a prompt hearing of the matter, to be conducted in
11 accordance with the rules of the department. The department of
12 health and human services shall give notice of the decision by
13 mail to the claimant and to the landlord.

14 Sec. 1146. Section 425.37, Code 2023, is amended to read as
15 follows:

16 **425.37 Rules.**

17 The director of revenue and the director of health and human
18 services shall each adopt rules in accordance with chapter
19 17A for the interpretation and proper administration of this
20 subchapter and each department's applicable powers and duties
21 under this subchapter, including rules to prevent and disallow
22 duplication of benefits and to prevent any unreasonable
23 hardship or advantage to any person.

24 Sec. 1147. Section 425.39, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. The elderly and disabled rent reimbursement fund is
27 created. There is appropriated annually from the general fund
28 of the state to the department of health and human services
29 to be credited to the elderly and disabled rent reimbursement
30 fund, from funds not otherwise appropriated, an amount
31 sufficient to implement this subchapter for reimbursement for
32 rent constituting property taxes paid for claimants described
33 in section 425.17, subsection 2, paragraph "a", subparagraph
34 (1).

35 Sec. 1148. Section 425.40, Code 2023, is amended to read as

1 follows:

2 **425.40 Low-income fund created.**

3 1. A low-income tax credit and reimbursement fund is
4 created. Within the low-income tax credit and reimbursement
5 fund, a rent reimbursement account is created under the control
6 of the department of health and human services and a tax
7 credit account is created under the control of the department
8 of revenue. Amounts appropriated to the fund shall first be
9 credited to the rent reimbursement account.

10 2. *a.* The director of health and human services shall use
11 amounts credited to the rent reimbursement account for a fiscal
12 year to pay all claims for reimbursement of rent constituting
13 property taxes paid for claimants described in section 425.17,
14 subsection 2, paragraph "a", subparagraph (2). If the amount
15 appropriated for purposes of this section for a fiscal year
16 and credited to the rent reimbursement account is insufficient
17 to pay all claims in full, the director of health and human
18 services shall pay all such claims on a pro rata basis.

19 *b.* If the amount appropriated for purposes of this section
20 for a fiscal year and credited to the rent reimbursement
21 account exceeds the amount necessary to pay in full all
22 reimbursement claims for the fiscal year, the department of
23 health and human services shall transfer such excess amount
24 to the department of revenue for deposit in the tax credit
25 account. The department of revenue shall use any amounts
26 credited to the tax credit account for a fiscal year to pay to
27 the counties all claims for credit for property taxes due for
28 the fiscal year, or if such amount is insufficient, to pay to
29 the counties all such claims on a pro rata basis.

30 3. In order for the director of revenue or the director
31 of health and human services to carry out the requirements of
32 subsection 2, notwithstanding any provision to the contrary in
33 this subchapter, claims for reimbursement for rent constituting
34 property taxes paid filed before May 1 of the fiscal year
35 shall be eligible to be paid in full during the fiscal year

1 and those claims filed on or after May 1 of the fiscal year
2 shall be eligible to be paid during the following fiscal year
3 and the director of revenue is not required to make payments
4 to counties for the property tax credit before June 15 of the
5 fiscal year.

6 Sec. 1149. Section 426B.1, Code 2023, is amended to read as
7 follows:

8 **426B.1 Appropriations — property tax relief fund.**

9 1. A property tax relief fund is created in the state
10 treasury under the authority of the department of health
11 and human services. The fund shall be separate from the
12 general fund of the state and shall not be considered part
13 of the general fund of the state except in determining the
14 cash position of the state for payment of state obligations.
15 The moneys in the fund are not subject to the provisions of
16 section 8.33 and shall not be transferred, used, obligated,
17 appropriated, or otherwise encumbered except as provided in
18 this chapter. Moneys in the fund may be used for cash flow
19 purposes, provided that any moneys so allocated are returned
20 to the fund by the end of each fiscal year. However, the
21 fund shall be considered a special account for the purposes
22 of section 8.53, relating to elimination of any GAAP deficit.
23 For the purposes of this chapter, unless the context otherwise
24 requires, "*property tax relief fund*" means the property tax
25 relief fund created in this section.

26 2. Moneys shall be distributed from the property tax relief
27 fund to the mental health and disability services regional
28 service system for mental health and ~~disabilities~~ disability
29 services, in accordance with the appropriations made to the
30 fund and other statutory requirements.

31 Sec. 1150. Section 426B.2, Code 2023, is amended to read as
32 follows:

33 **426B.2 Property tax relief fund payments.**

34 The director of health and human services shall draw
35 warrants on the property tax relief fund, payable to

1 the regional administrator in the amount due to a mental
2 health and disability services region in accordance with
3 statutory requirements, and mail the warrants to the regional
4 administrator in July and January of each year.

5 Sec. 1151. Section 426B.4, Code 2023, is amended to read as
6 follows:

7 **426B.4 Rules.**

8 The mental health and disability services commission shall
9 consult with regional administrators and the director of health
10 and human services in prescribing forms and adopting rules
11 pursuant to chapter 17A to administer this chapter.

12 Sec. 1152. Section 427.9, Code 2023, is amended to read as
13 follows:

14 **427.9 Suspension of taxes, assessments, and rates or charges,**
15 **including interest, fees, and costs.**

16 If a person is a recipient of federal supplementary security
17 income or state supplementary assistance, as defined in
18 section 249.1, or is a resident of a health care facility, as
19 defined by section 135C.1, which is receiving payment from
20 the department of health and human services for the person's
21 care, the person shall be deemed to be unable to contribute to
22 the public revenue. The director of health and human services
23 shall notify a person receiving such assistance of the tax
24 suspension provision and shall provide the person with evidence
25 to present to the appropriate county board of supervisors which
26 shows the person's eligibility for tax suspension on parcels
27 owned, possessed, or upon which the person is paying taxes
28 as a purchaser under contract. The board of supervisors so
29 notified, without the filing of a petition and statement as
30 specified in section 427.8, shall order the county treasurer to
31 suspend the collection of all the taxes, special assessments,
32 and rates or charges, including interest, fees, and costs,
33 assessed against the parcels and remaining unpaid by the person
34 or contractually payable by the person, for such time as the
35 person remains the owner or contractually prospective owner

1 of the parcels, and during the period the person receives
 2 assistance as described in this section. The county board of
 3 supervisors shall annually send to the department of health
 4 and human services the names and social security numbers of
 5 persons receiving a tax suspension pursuant to this section.
 6 The department shall verify the continued eligibility for tax
 7 suspension of each name on the list and shall return the list
 8 to the board of supervisors. The director of health and human
 9 services shall advise the person that the person may apply for
 10 an additional property tax credit pursuant to sections 425.16
 11 through 425.37 which shall be credited against the amount of
 12 the taxes suspended.

13 Sec. 1153. Section 432.13, Code 2023, is amended to read as
 14 follows:

15 **432.13 Premium tax exemption — ~~hawk-i~~ Hawki program — state**
 16 **employee benefits.**

17 1. Premiums collected by participating insurers under
 18 chapter 514I are exempt from premium tax.

19 2. Premiums received for benefits acquired on behalf of
 20 state employees by the department of administrative services
 21 pursuant to section 8A.402, subsection 1, and by the state
 22 board of regents pursuant to chapter 262, are exempt from
 23 premium tax.

24 Sec. 1154. Section 453A.13, subsection 2, paragraph c, Code
 25 2023, is amended to read as follows:

26 c. The department, or a city or county, shall submit
 27 a duplicate of any application for a retail permit to the
 28 alcoholic beverages division of the department of commerce
 29 within thirty days of the issuance. The alcoholic beverages
 30 division of the department of commerce shall submit the current
 31 list of all retail permits issued to the ~~Iowa~~ department of
 32 ~~public~~ health and human services by the last day of each
 33 quarter of a state fiscal year.

34 Sec. 1155. Section 453A.35A, subsection 2, Code 2023, is
 35 amended to read as follows:

1 2. Moneys in the fund shall be used only for purposes
2 related to health care, substance ~~abuse~~ use disorder treatment
3 and prevention, and tobacco use prevention, cessation, and
4 control.

5 Sec. 1156. Section 453A.47A, subsection 6, Code 2023, is
6 amended to read as follows:

7 6. *Issuance.* Cities may issue retail permits to retailers
8 located within their respective limits. County boards of
9 supervisors may issue retail permits to retailers located in
10 their respective counties, outside of the corporate limits of
11 cities. The city or county shall submit a duplicate of any
12 application for a retail permit to the alcoholic beverages
13 division of the department of commerce within thirty days of
14 issuance of a permit. The alcoholic beverages division of the
15 department of commerce shall submit the current list of all
16 retail permits issued to the ~~Iowa~~ department of ~~public~~ health
17 and human services by the last day of each quarter of a state
18 fiscal year.

19 Sec. 1157. Section 455B.190A, subsection 3, paragraph b,
20 subparagraph (5), Code 2023, is amended to read as follows:

21 (5) The director of ~~public~~ health and human services or the
22 director's designee.

23 Sec. 1158. Section 455B.335A, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. The director shall require that a person who operates
26 or proposes to operate a waste incinerator which provides for
27 the incineration of pathological radioactive materials conduct
28 dispersion modeling, under the direction of the ~~Iowa~~ department
29 of ~~public~~ health and human services, for radiological isotopes
30 to measure the emission levels of alpha and gamma rays. The
31 director shall allow a three-month period during which time the
32 operator or person proposing operation of such an incinerator
33 shall conduct the required dispersion modeling. In order to
34 initiate or continue such incineration, the results of the
35 modeling shall provide that the existing incinerator meets

1 or the proposed incinerator will meet the emission standards
2 established by the United States environmental protection
3 agency for a selected isotope.

4 Sec. 1159. Section 455B.427, subsection 2, paragraph c,
5 Code 2023, is amended to read as follows:

6 c. A summary of serious health problems in the immediate
7 vicinity of the site and health problems deemed by the director
8 in cooperation with the Iowa department of ~~public~~ health and
9 human services to be related to conditions at the site.

10 Sec. 1160. Section 455B.427, subsection 3, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:

12 In developing and maintaining the annual report, the
13 director shall assess the relative priority of the need for
14 action at each site to remedy environmental and health problems
15 resulting from the presence of hazardous wastes or hazardous
16 substances at the sites. In making assessments of relative
17 priority, the director, in cooperation with the Iowa department
18 of ~~public~~ health and human services on matters relating to
19 public health, shall place every site in one of the following
20 classifications:

21 Sec. 1161. Section 455B.427, subsection 5, Code 2023, is
22 amended to read as follows:

23 5. The director shall work with the Iowa department of
24 ~~public~~ health and human services when assessing the effects of
25 a hazardous waste or hazardous substance disposal site on human
26 health.

27 Sec. 1162. Section 455E.11, subsection 2, paragraph a,
28 subparagraph (2), subparagraph division (a), subparagraph
29 subdivision (i), Code 2023, is amended to read as follows:

30 (i) Eight thousand dollars shall be transferred to the Iowa
31 department of ~~public~~ health and human services for departmental
32 duties required under ~~section~~ sections 135.11, ~~subsections 18~~
33 ~~and 19,~~ and ~~section~~ 139A.21.

34 Sec. 1163. Section 455E.11, subsection 2, paragraph b,
35 subparagraph (1), Code 2023, is amended to read as follows:

1 (1) Nine thousand dollars of the account is appropriated
 2 to the ~~Iowa~~ department of public health and human services for
 3 carrying out the departmental duties under ~~section~~ sections
 4 ~~135.11, subsections 18 and 19, and section 139A.21.~~

5 Sec. 1164. Section 455E.11, subsection 2, paragraph
 6 b, subparagraph (2), subparagraph division (b), unnumbered
 7 paragraph 1, Code 2023, is amended to read as follows:

8 Two percent is appropriated annually to the department and,
 9 except for administrative expenses, is transferred to the ~~Iowa~~
 10 department of public health and human services for the purpose
 11 of administering grants to counties and conducting oversight of
 12 county-based programs for the testing of private rural water
 13 supply wells, private rural water supply well sealing, and the
 14 proper closure of private rural abandoned wells and cisterns.
 15 Not more than thirty-five percent of the moneys is appropriated
 16 annually for grants to counties for the purpose of conducting
 17 programs of private rural water supply testing, private rural
 18 water supply well sealing, the proper closure of private rural
 19 abandoned wells and cisterns, or any combination thereof.
 20 An amount agreed to by the department of natural resources
 21 and the ~~Iowa~~ department of public health and human services
 22 shall be retained by the department of natural resources for
 23 administrative expenses.

24 Sec. 1165. Section 455E.11, subsection 2, paragraph c,
 25 subparagraph (1), Code 2023, is amended to read as follows:

26 (1) The moneys collected pursuant to section 455F.7
 27 and moneys collected pursuant to section 29C.8A which are
 28 designated for deposit shall be deposited in the household
 29 hazardous waste account. Two thousand dollars is appropriated
 30 annually to the ~~Iowa~~ department of public health and human
 31 services to carry out departmental duties under ~~section~~
 32 sections 135.11, subsections 18 and 19, and section 139A.21.
 33 The remainder of the account shall be used to fund the efforts
 34 of the department to support a collection system for household
 35 hazardous materials, including public education programs,

1 training, and consultation of local governments in the
2 establishment and operation of permanent collection systems,
3 and the management of collection sites, education programs,
4 and other activities pursuant to chapter 455F, including the
5 administration of the household hazardous materials retailer
6 permit program by the department of revenue.

7 Sec. 1166. Section 455E.11, subsection 2, paragraph d,
8 subparagraph (1), Code 2023, is amended to read as follows:

9 (1) One thousand dollars is appropriated annually to
10 the Iowa department of ~~public~~ health and human services to
11 carry out departmental duties under ~~section~~ sections 135.11,
12 ~~subsections 18 and 19,~~ and ~~section~~ 139A.21.

13 Sec. 1167. Section 462A.14, subsection 2, paragraph a,
14 subparagraph (4), Code 2023, is amended to read as follows:

15 (4) Assignment to substance ~~abuse~~ use disorder evaluation
16 and treatment, pursuant to subsection 12, and a course for
17 drinking drivers.

18 Sec. 1168. Section 462A.14, subsection 2, paragraph b,
19 subparagraph (4), Code 2023, is amended to read as follows:

20 (4) Assignment to substance ~~abuse~~ use disorder evaluation
21 and treatment, pursuant to subsections 12 and 13, and a course
22 for drinking drivers.

23 Sec. 1169. Section 462A.14, subsection 2, paragraph c,
24 subparagraph (4), Code 2023, is amended to read as follows:

25 (4) Assignment to substance ~~abuse~~ use disorder evaluation
26 and treatment, pursuant to subsections 12 and 13, and a course
27 for drinking drivers.

28 Sec. 1170. Section 462A.14, subsection 2, paragraphs d and
29 e, Code 2023, are amended to read as follows:

30 d. A class "D" felony for any offense under this
31 section resulting in serious injury to persons other than
32 the defendant, if the court determines that the person who
33 committed the offense caused the serious injury, and shall
34 be imprisoned for a determinate sentence of not more than
35 five years but not less than thirty days, or committed to the

1 custody of the director of the department of corrections, and
2 assessed a fine of not less than two thousand five hundred
3 dollars nor more than seven thousand five hundred dollars. A
4 person convicted of a felony offense may be committed to the
5 custody of the director of the department of corrections, who
6 shall assign the person to a facility pursuant to section
7 904.513. The court shall also order that the person not
8 operate a motorboat or sailboat for one year in addition to
9 any other period of time the defendant would have been ordered
10 not to operate if no injury had occurred in connection with
11 the violation. The court shall also assign the defendant to
12 substance ~~abuse~~ use disorder evaluation and treatment pursuant
13 to subsections 12 and 13, and a course for drinking drivers.

14 e. A class "B" felony for any offense under this section
15 resulting in the death of persons other than the defendant, if
16 the court determines that the person who committed the offense
17 caused the death, and shall be imprisoned for a determinate
18 sentence of not more than twenty-five years, or committed to
19 the custody of the director of the department of corrections.
20 A person convicted of a felony offense may be committed to
21 the custody of the director of the department of corrections,
22 who shall assign the person to a facility pursuant to section
23 904.513. The court shall also order that the person not
24 operate a motorboat or sailboat for six years. The court shall
25 also assign the defendant to substance ~~abuse~~ use disorder
26 evaluation and treatment pursuant to subsections 12 and 13, and
27 a course for drinking drivers.

28 Sec. 1171. Section 462A.14, subsection 12, Code 2023, is
29 amended to read as follows:

30 12. a. All substance ~~abuse~~ use disorder evaluations
31 required under this section shall be completed at the
32 defendant's expense.

33 b. In addition to assignment to substance ~~abuse~~ use disorder
34 evaluation and treatment under this section, the court shall
35 order any defendant convicted under this section to follow the

1 recommendations proposed in the substance ~~abuse~~ use disorder
2 evaluation for appropriate substance ~~abuse~~ use disorder
3 treatment for the defendant. Court-ordered substance ~~abuse~~
4 use disorder treatment is subject to the periodic reporting
5 requirements of section 125.86.

6 *c.* If a defendant is committed by the court to a substance
7 ~~abuse~~ use disorder treatment facility, the administrator of the
8 facility shall report to the court when it is determined that
9 the defendant has received the maximum benefit of treatment
10 at the facility and the defendant shall be released from the
11 facility. The time for which the defendant is committed for
12 treatment shall be credited against the defendant's sentence.

13 *d.* The court may prescribe the length of time for the
14 evaluation and treatment or the court may request that the
15 community college or licensed substance ~~abuse~~ use disorder
16 program conducting the course for drinking drivers which the
17 defendant is ordered to attend or the treatment program to
18 which the defendant is committed immediately report to the
19 court when the defendant has received maximum benefit from
20 the course for drinking drivers or treatment program or has
21 recovered from the defendant's addiction, dependency, or
22 tendency to chronically ~~abuse~~ use alcohol or drugs.

23 *e.* Upon successfully completing a course for drinking
24 drivers or an ordered substance ~~abuse~~ use disorder treatment
25 program, a court may place the defendant on probation for six
26 months and as a condition of probation, the defendant shall
27 attend a program providing posttreatment services relating to
28 substance ~~abuse~~ use disorder as approved by the court.

29 *f.* A defendant committed under this section who does not
30 possess sufficient income or estate to make payment of the
31 costs of the treatment in whole or in part shall be considered
32 a state patient and the costs of treatment shall be paid as
33 provided in section 125.44.

34 *g.* A defendant who fails to carry out the order of the
35 court shall be confined in the county jail for twenty days in

1 addition to any other imprisonment ordered by the court or may
2 be ordered to perform unpaid community service work, and shall
3 be placed on probation for one year with a violation of this
4 probation punishable as contempt of court.

5 *h.* In addition to any other condition of probation, the
6 defendant shall attend a program providing substance ~~abuse~~ use
7 disorder prevention services or posttreatment services related
8 to substance ~~abuse~~ use disorder as ordered by the court. The
9 defendant shall report to the defendant's probation officer as
10 ordered concerning proof of attendance at the treatment program
11 or posttreatment program ordered by the court. Failure to
12 attend or complete the program shall be considered a violation
13 of probation and is punishable as contempt of court.

14 Sec. 1172. Section 466B.3, subsection 4, paragraph c, Code
15 2023, is amended to read as follows:

16 *c.* The director of ~~the department of public health and human~~
17 services or the director's designee.

18 Sec. 1173. Section 470.5, Code 2023, is amended to read as
19 follows:

20 **470.5 Exceptions.**

21 This chapter does not apply to buildings used on January 1,
22 1980, by the division of adult corrections of the department
23 of health and human services as maximum security detention
24 facilities or to the renovation of property nominated to, or
25 entered in the national register of historic places, designated
26 by statute, or included in an established list of historic
27 places compiled by the historical division of the department of
28 cultural affairs.

29 Sec. 1174. Section 476.20, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. The board shall establish rules requiring a regulated
32 public utility furnishing gas or electricity to include in
33 the utility's notice of pending disconnection of service a
34 written statement advising the customer that the customer
35 may be eligible to participate in the low income home energy

1 assistance program or weatherization assistance program
2 administered by the ~~division of community action agencies~~
3 ~~of the~~ department of health and human rights services. The
4 written statement shall list the address and telephone number
5 of the local agency which is administering the customer's low
6 income home energy assistance program and the weatherization
7 assistance program. The written statement shall also state
8 that the customer is advised to contact the public utility
9 to settle any of the customer's complaints with the public
10 utility, but if a complaint is not settled to the customer's
11 satisfaction, the customer may file the complaint with the
12 board. The written statement shall include the address
13 and phone number of the board. If the notice of pending
14 disconnection of service applies to a residence, the written
15 statement shall advise that the disconnection does not apply
16 from November 1 through April 1 for a resident who is a "head
17 of household", as defined in section 422.4, and who has been
18 certified to the public utility by the local agency which is
19 administering the low income home energy assistance program and
20 weatherization assistance program as being eligible for either
21 the low income home energy assistance program or weatherization
22 assistance program, and that if such a resident resides within
23 the serviced residence, the customer should promptly have
24 the qualifying resident notify the local agency which is
25 administering the low income home energy assistance program and
26 weatherization assistance program. The board shall establish
27 rules requiring that the written notice contain additional
28 information as it deems necessary and appropriate.

29 Sec. 1175. Section 476.51, subsection 5, Code 2023, is
30 amended to read as follows:

31 5. Civil penalties collected pursuant to this section from
32 utilities providing water, electric, or gas service shall
33 be forwarded by the chief operating officer of the board to
34 the treasurer of state to be credited to the general fund of
35 the state and to be used only for the low income home energy

1 assistance program and the weatherization assistance program
2 administered by the ~~division of community action agencies of~~
3 ~~the department of~~ health and human rights services. Civil
4 penalties collected pursuant to this section from utilities
5 providing telecommunications service shall be forwarded to
6 the treasurer of state to be credited to the department of
7 commerce revolving fund created in section 546.12 to be used
8 only for consumer education programs administered by the board.
9 Penalties paid by a rate-regulated public utility pursuant to
10 this section shall be excluded from the utility's costs when
11 determining the utility's revenue requirement, and shall not be
12 included either directly or indirectly in the utility's rates
13 or charges to customers.

14 Sec. 1176. Section 476.66, subsection 6, Code 2023, is
15 amended to read as follows:

16 6. The rules established by the utilities board shall
17 require an annual report to be filed for each fund. The
18 utilities board shall compile an annual statewide report of the
19 fund results. The ~~division of community action agencies of the~~
20 department of health and human rights services shall prepare
21 an annual report of the unmet need for energy assistance
22 and weatherization. Both reports shall be submitted to the
23 appropriations committees of the general assembly on the first
24 day of the following session.

25 Sec. 1177. Section 477C.5, subsection 2, paragraph c, Code
26 2023, is amended to read as follows:

27 c. One representative from the office of deaf services of
28 the department of health and human rights services.

29 Sec. 1178. Section 478.29, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. A person who violates a provision of this chapter is
32 subject to a civil penalty, which may be levied by the board,
33 of not more than one hundred dollars per violation or one
34 thousand dollars per day of a continuing violation, whichever
35 is greater. Civil penalties collected pursuant to this section

1 shall be forwarded by the chief operating officer of the board
2 to the treasurer of state to be credited to the general fund of
3 the state and appropriated to the ~~division of community action~~
4 ~~agencies of the~~ department of health and human rights services
5 for purposes of the low income home energy assistance program
6 and the weatherization assistance program.

7 Sec. 1179. Section 479.31, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. A person who violates this chapter or any rule or
10 order issued pursuant to this chapter shall be subject to
11 a civil penalty levied by the board in accordance with 49
12 C.F.R. §190.223. Each day that the violation continues shall
13 constitute a separate offense. Civil penalties collected
14 pursuant to this section shall be forwarded by the chief
15 operating officer of the board to the treasurer of state to be
16 credited to the general fund of the state and appropriated to
17 the ~~division of community action agencies of the~~ department
18 of health and human rights services for purposes of the low
19 income home energy assistance program and the weatherization
20 assistance program.

21 Sec. 1180. Section 479B.21, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. A person who violates this chapter or any rule or
24 order issued pursuant to this chapter shall be subject to a
25 civil penalty levied by the board in an amount not to exceed
26 one thousand dollars for each violation. Each day that the
27 violation continues shall constitute a separate offense.
28 However, the maximum civil penalty shall not exceed two hundred
29 thousand dollars for any related series of violations. Civil
30 penalties collected pursuant to this section shall be forwarded
31 by the chief operating officer of the board to the treasurer
32 of state to be credited to the general fund of the state and
33 appropriated to the ~~division of community action agencies of~~
34 the department of health and human rights services for purposes
35 of the low income home energy assistance program and the

1 weatherization assistance program.

2 Sec. 1181. Section 483A.24, subsections 7 and 15, Code 2023,
3 are amended to read as follows:

4 7. A license shall not be required of minor pupils of the
5 Iowa braille and sight saving school, Iowa school for the deaf,
6 or of minor residents of other state institutions under the
7 control of ~~an administrator of a division of~~ the department
8 of health and human services. In addition, a person who is
9 on active duty with the armed forces of the United States,
10 on authorized leave from a duty station located outside of
11 this state, and a resident of the state of Iowa shall not be
12 required to have a license to hunt or fish in this state. The
13 military person shall carry the person's leave papers and a
14 copy of the person's current earnings statement showing a
15 deduction for Iowa income taxes while hunting or fishing. In
16 lieu of carrying the person's earnings statement, the military
17 person may also claim residency if the person is registered to
18 vote in this state. If a deer or wild turkey is taken, the
19 military person shall immediately contact a state conservation
20 officer to obtain an appropriate tag to transport the animal.
21 A license shall not be required of residents of county care
22 facilities or any person who is receiving supplementary
23 assistance under chapter 249.

24 15. The department may issue a permit, subject to conditions
25 established by the department, which authorizes patients of a
26 substance ~~abuse~~ use disorder facility, residents of health care
27 facilities licensed under chapter 135C, tenants of elder group
28 homes licensed under chapter 231B, tenants of assisted living
29 program facilities licensed under chapter 231C, participants
30 who attend adult day services programs licensed under chapter
31 231D, participants in services funded under a federal home and
32 community-based services waiver implemented under the medical
33 assistance program as defined in chapter 249A, and persons
34 cared for in juvenile shelter care homes as provided for in
35 chapter 232 to fish without a license as a supervised group.

1 A person supervising a group pursuant to this subsection may
2 fish with the group pursuant to the permit and is not required
3 to obtain a fishing license.

4 Sec. 1182. Section 505.16, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. The insurance commissioner shall approve rules for
7 carrying out this section including rules relating to the
8 preparation of information to be provided before and after a
9 test and the protection of confidentiality of personal and
10 medical records of insurance applicants and policyholders.
11 The rules shall require a person engaged in the business
12 of insurance who receives results of a positive human
13 immunodeficiency virus test of an insurance applicant or
14 policyholder to report those results to a physician or
15 alternative testing site of the applicant's or policyholder's
16 choice, or if the applicant or policyholder does not choose a
17 physician or alternative testing site to receive the results,
18 to the Iowa department of ~~public~~ health and human services.

19 Sec. 1183. Section 505.25, Code 2023, is amended to read as
20 follows:

21 505.25 Information provided to medical assistance program,
22 ~~hawk-i Hawki~~ Hawki program, and child support ~~recovery unit~~ services.

23 A carrier, as defined in section 514C.13, shall enter into
24 a health insurance data match program with the department of
25 health and human services for the sole purpose of comparing the
26 names of the carrier's insureds with the names of recipients of
27 the medical assistance program under chapter 249A, individuals
28 under the purview of ~~the child support recovery unit~~ services
29 pursuant to chapter 252B, or enrollees of the ~~hawk-i Hawki~~ Hawki
30 program under chapter 514I.

31 Sec. 1184. Section 505.34, Code 2023, is amended to read as
32 follows:

33 505.34 Medical assistance and ~~hawk-i Hawki~~ Hawki programs —
34 applicability of subtitle.

35 1. The medical assistance program under chapter 249A and

1 the healthy and well kids in Iowa ~~(hawk-i)~~ (Hawki) program
2 under chapter 514I shall not be subject to this subtitle unless
3 otherwise provided by law.

4 2. A managed care organization acting pursuant to a contract
5 with the department of health and human services to administer
6 the medical assistance program under chapter 249A, or the
7 healthy and well kids in the Iowa ~~(hawk-i)~~ (Hawki) program
8 under chapter 514I, shall not be subject to this subtitle
9 unless otherwise provided by law.

10 Sec. 1185. Section 508C.5, subsection 13, paragraph f, Code
11 2023, is amended to read as follows:

12 f. An entity whose only business in this state is operating
13 as a managed care organization. For purposes of this
14 paragraph, "*managed care organization*" means an entity that is
15 under contract with the Iowa department of health and human
16 services to provide services to Medicaid recipients and that
17 also meets the definition of "*health maintenance organization*"
18 in section 514B.1.

19 Sec. 1186. Section 509.1, subsection 7, Code 2023, is
20 amended to read as follows:

21 7. A policy issued to the department of health and human
22 services, which shall be deemed the policyholder, to insure
23 eligible persons for medical assistance, or for both mandatory
24 medical assistance and optional medical assistance, as defined
25 by chapter 249A as hereafter amended.

26 Sec. 1187. Section 509.3A, subsection 12, Code 2023, is
27 amended to read as follows:

28 12. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

29 Sec. 1188. Section 510B.1, subsections 9 and 22, Code 2023,
30 are amended to read as follows:

31 9. "*Health carrier*" means an entity subject to the
32 insurance laws and regulations of this state, or subject
33 to the jurisdiction of the commissioner, including an
34 insurance company offering sickness and accident plans, a
35 health maintenance organization, a nonprofit health service

1 corporation, or a plan established pursuant to chapter 509A for
2 public employees. *"Health carrier"* does not include any of the
3 following:

4 *a.* The department of health and human services.

5 *b.* A managed care organization acting pursuant to a contract
6 with the department of health and human services to administer
7 the medical assistance program under chapter 249A or the
8 healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under
9 chapter 514I.

10 *c.* A policy or contract providing a prescription drug
11 benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

12 *d.* A plan offered or maintained by a multiple employer
13 welfare arrangement established under chapter 513D before
14 January 1, 2022.

15 22. *"Third-party payor"* means any entity other than a
16 covered person or a health care provider that is responsible
17 for any amount of reimbursement for a prescription drug
18 benefit. *"Third-party payor"* includes health carriers and other
19 entities that provide a plan of health insurance or health
20 care benefits. *"Third-party payor"* does not include any of the
21 following:

22 *a.* The department of health and human services.

23 *b.* A managed care organization acting pursuant to a contract
24 with the department of health and human services to administer
25 the medical assistance program under chapter 249A or the
26 healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under
27 chapter 514I.

28 *c.* A policy or contract providing a prescription drug
29 benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

30 Sec. 1189. Section 513B.2, subsection 8, paragraph 1, Code
31 2023, is amended to read as follows:

32 1. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

33 Sec. 1190. Section 513C.3, subsection 12, paragraph d, Code
34 2023, is amended to read as follows:

35 *d.* Loss of eligibility for the ~~hawk-i~~ Hawki program

1 authorized in chapter 514I.

2 Sec. 1191. Section 514.1, subsection 2, paragraph c, Code
3 2023, is amended to read as follows:

4 c. "*Subscriber*" means an individual who enters into a
5 contract for health care services with a corporation subject
6 to this chapter and includes a person eligible for mandatory
7 medical assistance or optional medical assistance as defined
8 under chapter 249A, with respect to whom the department of
9 health and human services has entered into a contract with a
10 firm operating under this chapter.

11 Sec. 1192. Section 514A.3B, subsection 3, paragraph 1, Code
12 2023, is amended to read as follows:

13 1. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

14 Sec. 1193. Section 514B.3, subsection 1, paragraph m, Code
15 2023, is amended to read as follows:

16 m. A description of the procedures and programs to be
17 implemented to meet the requirements for quality of health
18 care as determined by the director of ~~public~~ health and human
19 services under section 514B.4.

20 Sec. 1194. Section 514B.3, subsection 3, Code 2023, is
21 amended to read as follows:

22 3. Upon receipt of an application for a certificate of
23 authority, the commissioner shall immediately transmit copies
24 of the application and accompanying documents to the director
25 of ~~public~~ health and human services and the affected regional
26 health planning council, as authorized by Pub. L. No. 89-749,
27 42 U.S.C. §246(b)2b, for their nonbinding consultation and
28 advice.

29 Sec. 1195. Section 514B.4A, Code 2023, is amended to read
30 as follows:

31 **514B.4A Direct provision of health care services.**

32 1. An application for a certificate of authority to
33 provide health care services, directly, shall be forwarded
34 by the commissioner to the director of ~~public~~ health and
35 human services for review, comment, and recommendation, with

1 respect to the health care services to be provided directly, to
2 assure that the applicant has demonstrated the willingness and
3 potential ability to provide the health care services through
4 adequate personnel and facilities.

5 2. Rules proposed by the commissioner for adoption
6 for the direct provision of health care services by a
7 health maintenance organization, shall be forwarded by the
8 commissioner to the director of ~~public~~ health and human
9 services for review, comment, and recommendation, prior to
10 submission to the administrative rules coordinator pursuant to
11 section 17A.4.

12 3. The director of ~~public~~ health and human services shall
13 respond to the commissioner, with respect to an application
14 or proposed rule, with any comments or recommendations within
15 thirty days of the forwarding of the application or proposed
16 rules to the director of ~~public~~ health and human services.

17 Sec. 1196. Section 514B.32, subsection 5, Code 2023, is
18 amended to read as follows:

19 5. The provisions of this chapter shall be applicable to a
20 managed care organization acting pursuant to a contract with
21 the department of health and human services to administer the
22 medical assistance program under chapter 249A, or the healthy
23 and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter
24 514I, only with respect to licensure and solvency standards
25 as evidenced by the managed care organization obtaining
26 and maintaining a certificate of authority, and maintaining
27 compliance with the solvency standards set forth in this
28 chapter.

29 Sec. 1197. Section 514B.33, subsection 5, paragraph a, Code
30 2023, is amended to read as follows:

31 a. For purposes of this section, "*limited service*
32 *organization*" means an organization providing dental care
33 services, vision care services, mental health services,
34 substance ~~abuse~~ use disorder services, pharmaceutical services,
35 podiatric care services, or such other services as may be

1 determined by the commissioner.

2 Sec. 1198. Section 514C.9, subsection 3, paragraph b, Code
3 2023, is amended to read as follows:

4 b. Enroll a child who is eligible for coverage under the
5 applicable terms and conditions of the health benefit plan and
6 the standard enrollment guidelines of the insurer, without
7 regard to any time of enrollment restriction, under dependent
8 coverage upon application by the obligee or other legal
9 custodian of the child or by the department of health and human
10 services in the event an obligor required by a court order or
11 administrative order fails to apply for coverage for the child.

12 Sec. 1199. Section 514C.9, subsection 4, Code 2023, is
13 amended to read as follows:

14 4. A group health plan shall establish reasonable
15 procedures to determine whether a child is covered under a
16 qualified medical child support order issued pursuant to
17 chapter 252E. The procedures shall be in writing, provide for
18 prompt notice of each person specified in the medical child
19 support order as eligible to receive benefits under the group
20 health plan upon receipt by the plan of the medical child
21 support order, and allow an obligee or other legal custodian
22 of the child under chapter 252E to designate a representative
23 for receipt of copies of notices in regard to the medical child
24 support order that are sent to the obligee or other legal
25 custodian of the child and the department of health and human
26 services' child support ~~recovery unit~~ services.

27 Sec. 1200. Section 514C.18, subsection 1, paragraph b,
28 subparagraph (2), Code 2023, is amended to read as follows:

29 (2) The diabetes self-management training and education
30 program is certified by the ~~Iowa~~ department of ~~public~~ health
31 and human services. The department shall consult with the
32 American diabetes association, Iowa affiliate, in developing
33 the standards for certification of diabetes education programs
34 that cover at least ten hours of initial outpatient diabetes
35 self-management training within a continuous twelve-month

1 period and up to two hours of follow-up training for each
2 subsequent year for each individual diagnosed by a physician or
3 physician assistant with any type of diabetes mellitus.

4 Sec. 1201. Section 514C.27, Code 2023, is amended to read
5 as follows:

6 **514C.27 Mental illness and substance ~~abuse~~ use disorder**
7 **treatment coverage for veterans.**

8 1. Notwithstanding the uniformity of treatment requirements
9 of section 514C.6, a group policy or contract providing for
10 third-party payment or prepayment of health or medical expenses
11 issued by a carrier, as defined in section 513B.2, shall
12 provide coverage benefits to an insured who is a veteran for
13 treatment of mental illness and substance ~~abuse~~ use disorder if
14 either of the following is satisfied:

15 a. The policy or contract is issued to an employer who
16 on at least fifty percent of the employer's working days
17 during the preceding calendar year employed more than fifty
18 full-time equivalent employees. In determining the number
19 of full-time equivalent employees of an employer, employers
20 who are affiliated or who are able to file a consolidated tax
21 return for purposes of state taxation shall be considered one
22 employer.

23 b. The policy or contract is issued to a small employer as
24 defined in section 513B.2, and such policy or contract provides
25 coverage benefits for the treatment of mental illness and
26 substance ~~abuse~~ use disorder.

27 2. Notwithstanding the uniformity of treatment requirements
28 of section 514C.6, a plan established pursuant to chapter 509A
29 for public employees shall provide coverage benefits to an
30 insured who is a veteran for treatment of mental illness and
31 substance ~~abuse~~ use disorder as defined in subsection 3.

32 3. For purposes of this section:

33 a. "*Mental illness*" means mental disorders as defined by the
34 commissioner by rule.

35 b. "*Substance ~~abuse~~ use disorder*" means a pattern of

1 pathological use of alcohol or a drug that causes impairment
2 in social or occupational functioning, or that produces
3 physiological dependency evidenced by physical tolerance or by
4 physical symptoms when the alcohol or drug is withdrawn.

5 *c.* "Veteran" means the same as defined in section 35.1.

6 4. The commissioner, by rule, shall define "*mental illness*"
7 consistent with definitions provided in the most recent edition
8 of the American psychiatric association's diagnostic and
9 statistical manual of mental disorders, as the definitions may
10 be amended from time to time. The commissioner may adopt the
11 definitions provided in such manual by reference.

12 5. This section shall not apply to accident-only,
13 specified disease, short-term hospital or medical, hospital
14 confinement indemnity, credit, dental, vision, Medicare
15 supplement, long-term care, basic hospital and medical-surgical
16 expense coverage as defined by the commissioner, disability
17 income insurance coverage, coverage issued as a supplement
18 to liability insurance, workers' compensation or similar
19 insurance, or automobile medical payment insurance, or
20 individual accident and sickness policies issued to individuals
21 or to individual members of a member association.

22 6. A carrier or plan established pursuant to chapter 509A
23 may manage the benefits provided through common methods,
24 including but not limited to providing payment of benefits or
25 providing care and treatment under a capitated payment system,
26 prospective reimbursement rate system, utilization control
27 system, incentive system for the use of least restrictive and
28 least costly levels of care, a preferred provider contract
29 limiting choice of specific providers, or any other system,
30 method, or organization designed to assure services are
31 medically necessary and clinically appropriate.

32 7. *a.* A group policy or contract or plan covered under this
33 section shall not impose an aggregate annual or lifetime limit
34 on mental illness or substance ~~abuse~~ use disorder coverage
35 benefits unless the policy or contract or plan imposes an

1 aggregate annual or lifetime limit on substantially all medical
2 and surgical coverage benefits.

3 **b.** A group policy or contract or plan covered under this
4 section that imposes an aggregate annual or lifetime limit on
5 substantially all medical and surgical coverage benefits shall
6 not impose an aggregate annual or lifetime limit on mental
7 illness or substance ~~abuse~~ use disorder coverage benefits which
8 is less than the aggregate annual or lifetime limit imposed on
9 substantially all medical and surgical coverage benefits.

10 8. A group policy or contract or plan covered under this
11 section shall at a minimum allow for thirty inpatient days
12 and fifty-two outpatient visits annually. The policy or
13 contract or plan may also include deductibles, coinsurance,
14 or copayments, provided the amounts and extent of such
15 deductibles, coinsurance, or copayments applicable to other
16 medical or surgical services coverage under the policy or
17 contract or plan are the same. It is not a violation of this
18 section if the policy or contract or plan excludes entirely
19 from coverage benefits for the cost of providing the following:

20 **a.** Care that is substantially custodial in nature.
21 **b.** Services and supplies that are not medically necessary or
22 clinically appropriate.
23 **c.** Experimental treatments.

24 9. This section applies to third-party payment provider
25 policies or contracts and plans established pursuant to chapter
26 509A delivered, issued for delivery, continued, or renewed in
27 this state on or after January 1, 2011.

28 Sec. 1202. Section 514E.1, subsection 6, paragraph k, Code
29 2023, is amended to read as follows:

30 **k.** The ~~hawk-i~~ Hawki program authorized by chapter 514I.

31 Sec. 1203. Section 514F.7, subsection 1, paragraph h, Code
32 2023, is amended to read as follows:

33 **h.** "*Health carrier*" means an entity subject to the
34 insurance laws and regulations of this state, or subject
35 to the jurisdiction of the commissioner, including an

1 insurance company offering sickness and accident plans, a
 2 health maintenance organization, a nonprofit health service
 3 corporation, a plan established pursuant to chapter 509A
 4 for public employees, or any other entity providing a plan
 5 of health insurance, health care benefits, or health care
 6 services. "*Health carrier*" does not include a managed care
 7 organization as defined in 441 IAC 73.1 when the managed care
 8 organization is acting pursuant to a contract with the Iowa
 9 department of health and human services to provide services to
 10 Medicaid recipients.

11 Sec. 1204. Section 514F.8, subsection 1, paragraph g, Code
 12 2023, is amended to read as follows:

13 g. "*Health carrier*" means an entity subject to the
 14 insurance laws and regulations of this state, or subject
 15 to the jurisdiction of the commissioner, including an
 16 insurance company offering sickness and accident plans, a
 17 health maintenance organization, a nonprofit health service
 18 corporation, a plan established pursuant to chapter 509A
 19 for public employees, or any other entity providing a plan
 20 of health insurance, health care benefits, or health care
 21 services. "*Health carrier*" does not include the department
 22 of health and human services, or a managed care organization
 23 acting pursuant to a contract with the department of health
 24 and human services to administer the medical assistance
 25 program under chapter 249A or the healthy and well kids in Iowa
 26 ~~(hawk-i)~~ (Hawki) program under chapter 514I.

27 Sec. 1205. Section 514H.2, subsection 2, Code 2023, is
 28 amended to read as follows:

29 2. The insurance division of the department of commerce
 30 shall administer the program in cooperation with the ~~division~~
 31 ~~responsible for medical services within the department~~
 32 of health and human services. Each agency shall take all
 33 necessary actions, including filing an appropriate medical
 34 assistance state plan amendment to the state Medicaid plan to
 35 take full advantage of the benefits and features of the Deficit

1 Reduction Act of 2005.

2 Sec. 1206. Section 514H.5, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. When the ~~division responsible for medical services~~
5 ~~within the~~ department of health and human services determines
6 whether an individual is eligible for medical assistance
7 under chapter 249A, the ~~division~~ department shall make an
8 asset disregard adjustment for any individual who meets the
9 requirements of section 514H.3. The asset disregard shall
10 be available after benefits of the qualified long-term care
11 insurance policy have been applied to the cost of qualified
12 long-term care services as required under this chapter.

13 Sec. 1207. Section 514H.7, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. The insurance division, in cooperation with the
16 department of health and human services, shall adopt rules
17 to provide an asset disregard to individuals who are covered
18 by a long-term care insurance policy prior to November 17,
19 2005, consistent with the Iowa long-term care asset disregard
20 incentive program.

21 Sec. 1208. Section 514H.8, Code 2023, is amended to read as
22 follows:

23 **514H.8 Reciprocal agreements to extend asset disregard.**

24 The ~~division responsible for medical services within~~
25 ~~the~~ department of health and human services may enter into
26 reciprocal agreements with other states to extend the asset
27 disregard under section 514H.5 to Iowa residents who had
28 purchased or were covered by qualified long-term care insurance
29 policies in other states.

30 Sec. 1209. Section 514H.9, Code 2023, is amended to read as
31 follows:

32 **514H.9 Rules.**

33 The insurance division of the department of commerce in
34 cooperation with the department of health and human services
35 shall adopt rules pursuant to chapter 17A as necessary to

1 administer this chapter.

2 Sec. 1210. Section 514I.1, subsections 2 and 4, Code 2023,
3 are amended to read as follows:

4 2. It is the intent of the general assembly that the program
5 be implemented and administered in compliance with Tit. XXI
6 of the federal Social Security Act. If, as a condition of
7 receiving federal funds for the program, federal law requires
8 implementation and administration of the program in a manner
9 not provided in this chapter, during a period when the general
10 assembly is not in session, the department, with the approval
11 of the ~~hawk-i~~ Hawki board, shall proceed to implement and
12 administer those provisions, subject to review by the next
13 regular session of the general assembly.

14 4. It is the intent of the general assembly that the
15 ~~hawk-i~~ Hawki program be an integral part of the continuum of
16 health insurance coverage and that the program be developed
17 and implemented in such a manner as to facilitate movement of
18 families between health insurance providers and to facilitate
19 the transition of families to private sector health insurance
20 coverage.

21 Sec. 1211. Section 514I.2, Code 2023, is amended to read as
22 follows:

23 **514I.2 Definitions.**

24 As used in this chapter, unless the context otherwise
25 requires:

26 1. "*Benchmark benefit package*" means any of the following:

27 a. The standard blue cross/blue shield preferred provider
28 option service benefit plan, described in and offered under 5
29 U.S.C. §8903(1).

30 b. A health benefits coverage plan that is offered and
31 generally available to state employees in this state.

32 c. The plan of a health maintenance organization as defined
33 in 42 U.S.C. §300e, with the largest insured commercial,
34 nonmedical assistance enrollment of covered lives in the state.

35 2. "*Cost sharing*" means the payment of a premium or

1 copayment as provided for by Tit. XXI of the federal Social
2 Security Act and section 514I.10.

3 3. "*Department*" means the department of health and human
4 services.

5 4. "*Director*" means the director of health and human
6 services.

7 5. "*Eligible child*" means an individual who meets the
8 criteria for participation in the program under section 514I.8.

9 6. "~~Hawk-i~~ Hawki board" or "*board*" means the entity which
10 adopts rules and establishes policy for, and directs the
11 department regarding, the ~~hawk-i~~ Hawki program.

12 7. "~~Hawk-i~~ Hawki program" or "*program*" means the healthy and
13 well kids in Iowa program created in this chapter to provide
14 health insurance coverage to eligible children.

15 8. "*Health insurance coverage*" means health insurance
16 coverage as defined in 42 U.S.C. §300gg-91.

17 9. "*Participating insurer*" means any of the following:

18 a. An entity licensed by the division of insurance of the
19 department of commerce to provide health insurance in Iowa that
20 has contracted with the department to provide health insurance
21 coverage to eligible children under this chapter.

22 b. A managed care organization acting pursuant to a contract
23 with the department of ~~human services~~ to administer the ~~hawk-i~~
24 Hawki program.

25 10. "*Qualified child health plan*" or "*plan*" means health
26 insurance coverage provided by a participating insurer under
27 this chapter.

28 Sec. 1212. Section 514I.3, Code 2023, is amended to read as
29 follows:

30 **514I.3 ~~Hawk-i~~ Hawki program — established.**

31 1. The ~~hawk-i~~ Hawki program, a statewide program designed to
32 improve the health of children and to provide health insurance
33 coverage to eligible children on a regional basis which
34 complies with Tit. XXI of the federal Social Security Act, is
35 established and shall be implemented January 1, 1999.

1 2. Health insurance coverage under the program shall be
2 provided by participating insurers and through qualified child
3 health plans.

4 3. The department ~~of human services~~ is designated to receive
5 the state and federal funds appropriated or provided for the
6 program, and to submit and maintain the state plan for the
7 program, which is approved by the centers for Medicare and
8 Medicaid services of the United States department of health and
9 human services.

10 4. Nothing in this chapter shall be construed or is intended
11 as, or shall imply, a grant of entitlement for services to
12 persons who are eligible for participation in the program based
13 upon eligibility consistent with the requirements of this
14 chapter. Any state obligation to provide services pursuant to
15 this chapter is limited to the extent of the funds appropriated
16 or provided for this chapter.

17 5. Participating insurers under this chapter are not
18 subject to the requirements of chapters 513B and 513C.

19 6. Health care coverage provided under this chapter in
20 accordance with Tit. XXI of the federal Social Security Act
21 shall be recognized as prior creditable coverage for the
22 purposes of private individual and group health insurance
23 coverage.

24 Sec. 1213. Section 514I.4, subsection 1, unnumbered
25 paragraph 1, Code 2023, is amended to read as follows:

26 The director, with the approval of the ~~hawk-i~~ Hawki board,
27 shall implement this chapter. The director shall do all of the
28 following:

29 Sec. 1214. Section 514I.5, Code 2023, is amended to read as
30 follows:

31 **514I.5 ~~Hawk-i~~ Hawki board.**

32 1. A ~~hawk-i~~ Hawki board for the ~~hawk-i~~ Hawki program is
33 established. The board shall meet not less than six and
34 not more than twelve times annually, for the purposes of
35 establishing policy for, directing the department on, and

1 adopting rules for the program. The board shall consist of
2 seven voting members and four ex officio, nonvoting members,
3 including all of the following:

4 *a.* The commissioner of insurance, or the commissioner's
5 designee.

6 *b.* The director of the department of education, or the
7 director's designee.

8 *c.* The director of ~~public~~ health and human services, or the
9 director's designee.

10 *d.* Four public members appointed by the governor and
11 subject to confirmation by the senate. The public members
12 shall be members of the general public who have experience,
13 knowledge, or expertise in the subject matter embraced within
14 this chapter.

15 *e.* Two members of the senate and two members of the house of
16 representatives, serving as ex officio, nonvoting members. The
17 legislative members of the board shall be appointed one each
18 by the majority leader of the senate, after consultation with
19 the president of the senate, and by the minority leader of the
20 senate, and by the speaker of the house of representatives,
21 after consultation with the majority leader of the house of
22 representatives, and by the minority leader of the house
23 of representatives. Legislative members shall receive
24 compensation pursuant to section 2.12.

25 2. Members appointed by the governor shall serve two-year
26 staggered terms as designated by the governor, and legislative
27 members of the board shall serve two-year terms. The filling
28 of positions reserved for the public representatives,
29 vacancies, membership terms, payment of compensation and
30 expenses, and removal of the members are governed by chapter
31 69. Members of the board are entitled to receive reimbursement
32 of actual expenses incurred in the discharge of their duties.
33 Public members of the board are also eligible to receive
34 compensation as provided in section 7E.6. A majority of the
35 voting members constitutes a quorum and the affirmative vote

1 of a majority of the voting members is necessary for any
2 substantive action to be taken by the board. The members
3 shall select a chairperson on an annual basis from among the
4 membership of the board.

5 3. The board shall approve any contract entered into
6 pursuant to this chapter. All contracts entered into pursuant
7 to this chapter shall be made available to the public.

8 4. The department ~~of human services~~ shall act as support
9 staff to the board.

10 5. The board may receive and accept grants, loans, or
11 advances of funds from any person and may receive and accept
12 from any source contributions of money, property, labor, or any
13 other thing of value, to be held, used, and applied for the
14 purposes of the program.

15 6. The ~~hawk-i~~ Hawki board shall do all of the following:

16 a. Define, in consultation with the department, the regions
17 of the state for which plans are offered in a manner as to
18 ensure access to services for all children participating in the
19 program.

20 b. Approve the benefit package design, review the benefit
21 package design on a periodic basis, and make necessary changes
22 in the benefit design to reflect the results of the periodic
23 reviews.

24 c. Develop, with the assistance of the department, an
25 outreach plan, and provide for periodic assessment of the
26 effectiveness of the outreach plan. The plan shall provide
27 outreach to families of children likely to be eligible
28 for assistance under the program, to inform them of the
29 availability of and to assist the families in enrolling
30 children in the program. The outreach efforts may include, but
31 are not limited to, solicitation of cooperation from programs,
32 agencies, and other persons who are likely to have contact
33 with eligible children, including but not limited to those
34 associated with the educational system, and the development
35 of community plans for outreach and marketing. Other state

1 agencies shall assist the department in data collection related
2 to outreach efforts to potentially eligible children and their
3 families.

4 *d.* In consultation with the clinical advisory committee,
5 assess the initial health status of children participating in
6 the program, establish a baseline for comparison purposes, and
7 develop appropriate indicators to measure the subsequent health
8 status of children participating in the program.

9 *e.* Review, in consultation with the department, and take
10 necessary steps to improve interaction between the program and
11 other public and private programs which provide services to the
12 population of eligible children.

13 *f.* By January 1, annually, prepare, with the assistance
14 of the department, and submit a report to the governor,
15 the general assembly, and the council on health and human
16 services, concerning the board's activities, findings, and
17 recommendations.

18 *g.* Solicit input from the public regarding the program and
19 related issues and services.

20 *h.* Establish and consult with a clinical advisory committee
21 to make recommendations to the board regarding the clinical
22 aspects of the ~~hawk-i~~ Hawki program.

23 *i.* Prescribe the elements to be included in a health
24 improvement program plan required to be developed by a
25 participating insurer. The elements shall include but are not
26 limited to health maintenance and prevention and health risk
27 assessment.

28 *j.* Establish an advisory committee to make recommendations
29 to the board and to the general assembly by January 1 annually
30 concerning the provision of health insurance coverage to
31 children with special health care needs. The committee shall
32 include individuals with experience in, knowledge of, or
33 expertise in this area. The recommendations shall address, but
34 are not limited to, all of the following:

35 (1) The definition of the target population of children

1 with special health care needs for the purposes of determining
2 eligibility under the program.

3 (2) Eligibility options for and assessment of children with
4 special health care needs for eligibility.

5 (3) Benefit options for children with special health care
6 needs.

7 (4) Options for enrollment of children with special health
8 care needs in and disenrollment of children with special health
9 care needs from qualified child health plans utilizing a
10 capitated fee form of payment.

11 (5) The appropriateness and quality of care for children
12 with special health care needs.

13 (6) The coordination of health services provided for
14 children with special health care needs under the program with
15 services provided by other publicly funded programs.

16 k. Develop options and recommendations to allow children
17 eligible for the ~~hawk-i~~ Hawki program to participate in
18 qualified employer-sponsored health plans through a premium
19 assistance program. The options and recommendations shall
20 ensure reasonable alignment between the benefits and costs
21 of the ~~hawk-i~~ Hawki program and the employer-sponsored
22 health plans consistent with federal law. In addition, the
23 board shall implement the premium assistance program options
24 described under the federal Children's Health Insurance Program
25 Reauthorization Act of 2009, Pub. L. No. 111-3, for the ~~hawk-i~~
26 Hawki program.

27 7. The ~~hawk-i~~ Hawki board, in consultation with the
28 department of ~~human services~~, shall adopt rules which address,
29 but are not limited to addressing, all of the following:

30 a. Implementation and administration of the program.

31 b. Qualifying standards for selecting participating insurers
32 for the program.

33 c. The benefits to be included in a qualified child health
34 plan which are those included in a benchmark or benchmark
35 equivalent plan and which comply with Tit. XXI of the federal

1 Social Security Act. Benefits covered shall include but are
2 not limited to all of the following:

3 (1) Inpatient hospital services including medical,
4 surgical, intensive care unit, mental health, and substance
5 ~~abuse~~ use disorder services.

6 (2) Nursing care services including skilled nursing
7 facility services.

8 (3) Outpatient hospital services including emergency room,
9 surgery, lab, and x-ray services and other services.

10 (4) Physician services, including surgical and medical, and
11 including office visits, newborn care, well-baby and well-child
12 care, immunizations, urgent care, specialist care, allergy
13 testing and treatment, mental health visits, and substance
14 ~~abuse~~ use disorder visits.

15 (5) Ambulance services.

16 (6) Physical therapy.

17 (7) Speech therapy.

18 (8) Durable medical equipment.

19 (9) Home health care.

20 (10) Hospice services.

21 (11) Prescription drugs.

22 (12) Dental services including preventive services.

23 (13) Medically necessary hearing services.

24 (14) Vision services including corrective lenses.

25 (15) Translation and interpreter services as specified
26 pursuant to the federal Children's Health Insurance Program
27 Reauthorization Act of 2009, Pub. L. No. 111-3.

28 (16) Chiropractic services.

29 (17) Occupational therapy.

30 d. Presumptive eligibility criteria for the program.

31 Beginning January 1, 2010, presumptive eligibility shall be
32 provided for eligible children.

33 e. The amount of any cost sharing under the program which
34 shall be assessed based on family income and which complies
35 with federal law.

1 *f.* The reasons for disenrollment including, but not limited
2 to, nonpayment of premiums, eligibility for medical assistance
3 or other insurance coverage, admission to a public institution,
4 relocation from the area, and change in income.

5 *g.* Conflict of interest provisions applicable to
6 participating insurers and between public members of the board
7 and participating insurers.

8 *h.* Penalties for breach of contract or other violations of
9 requirements or provisions under the program.

10 *i.* A mechanism for participating insurers to report any
11 rebates received to the department.

12 *j.* The data to be maintained by the department including
13 data to be collected for the purposes of quality assurance
14 reports.

15 *k.* The use of provider guidelines in assessing the
16 well-being of children, which may include the use of the bright
17 futures for infants, children, and adolescents program as
18 developed by the federal maternal and child health bureau and
19 the American academy of pediatrics guidelines for well-child
20 care.

21 8. *a.* The ~~hawk-i~~ Hawki board may provide approval to the
22 director to contract with participating insurers to provide
23 dental-only services. In determining whether to provide
24 such approval to the director, the board shall take into
25 consideration the impact on the overall program of single
26 source contracting for dental services.

27 *b.* The ~~hawk-i~~ Hawki board may provide approval to the
28 director to contract with participating insurers to provide
29 the supplemental dental-only coverage to otherwise eligible
30 children who have private health care coverage as specified in
31 the federal Children's Health Insurance Program Reauthorization
32 Act of 2009, Pub. L. No. 111-3.

33 9. The ~~hawk-i~~ Hawki board shall monitor the capacity of
34 Medicaid managed care organizations acting pursuant to a
35 contract with the department to administer the ~~hawk-i~~ Hawki

1 program to specifically and appropriately address the unique
2 needs of children and children's health delivery.

3 Sec. 1215. Section 514I.8, subsection 2, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:

5 A child may participate in the ~~hawk-i~~ Hawki program if the
6 child meets all of the following criteria:

7 Sec. 1216. Section 514I.8A, Code 2023, is amended to read
8 as follows:

9 **514I.8A ~~Hawk-i~~ Hawki — all income-eligible children.**

10 The department shall provide coverage to individuals
11 under nineteen years of age who meet the income eligibility
12 requirements for the ~~hawk-i~~ Hawki program and for whom federal
13 financial participation is or becomes available for the cost
14 of such coverage.

15 Sec. 1217. Section 514I.9, subsection 1, Code 2023, is
16 amended to read as follows:

17 1. The ~~hawk-i~~ Hawki board shall review the benefits package
18 annually and shall determine additions to or deletions from the
19 benefits package offered. The ~~hawk-i~~ Hawki board shall submit
20 the recommendations to the general assembly for any amendment
21 to the benefits package.

22 Sec. 1218. Section 514I.11, Code 2023, is amended to read
23 as follows:

24 **514I.11 ~~Hawk-i~~ Hawki trust fund.**

25 1. A ~~hawk-i~~ Hawki trust fund is created in the state
26 treasury under the authority of the department of ~~human~~
27 ~~services~~, in which all appropriations and other revenues of the
28 program such as grants, contributions, and participant payments
29 shall be deposited and used for the purposes of the program.
30 The moneys in the fund shall not be considered revenue of the
31 state, but rather shall be funds of the program.

32 2. The trust fund shall be separate from the general fund
33 of the state and shall not be considered part of the general
34 fund of the state. The moneys in the trust fund are not
35 subject to section 8.33 and shall not be transferred, used,

1 obligated, appropriated, or otherwise encumbered, except to
2 provide for the purposes of this chapter and except as provided
3 in subsection 4. Notwithstanding section 12C.7, subsection
4 2, interest or earnings on moneys deposited in the trust fund
5 shall be credited to the trust fund.

6 3. Moneys in the fund are appropriated to the department and
7 shall be used to offset any program costs.

8 4. The department may transfer moneys appropriated from
9 the fund to be used for the purpose of expanding health care
10 coverage to children under the medical assistance program.

11 5. The department shall provide periodic updates to the
12 general assembly regarding expenditures from the fund.

13 Sec. 1219. Section 523A.301, Code 2023, is amended to read
14 as follows:

15 **523A.301 Definition.**

16 As used in sections 523A.302 and 523A.303, "*director*" means
17 the director of health and human services.

18 Sec. 1220. Section 523A.303, subsection 2, paragraph e,
19 Code 2023, is amended to read as follows:

20 e. A notice in substantially the following form complies
21 with this subsection:

22 TO: THE DIRECTOR OF HEALTH AND HUMAN SERVICES

23 FROM: (SELLER'S NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER)

24 You are hereby notified that (name of deceased), who had an
25 irrevocable burial trust fund, has died, that final payment
26 for cemetery merchandise, funeral merchandise, and funeral
27 services has been made, and that (remaining amount) remains in
28 the irrevocable burial trust fund.

29 The above-named seller must receive a written response
30 regarding any claim by the director within sixty days after the
31 mailing of this notice to the director.

32 If the above-named seller does not receive a written response
33 regarding a claim by the director within sixty days after the
34 mailing of this notice, the seller may dispose of the remaining
35 funds in accordance with section 523A.303, Code of Iowa.

1 Sec. 1221. Section 523A.303, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. Upon receipt of the seller's written notice, the director
4 shall determine if a debt is due the department of health and
5 human services pursuant to section 249A.53. If the director
6 determines that a debt is owing, the director shall provide
7 a written response to the seller within sixty days after the
8 mailing of the seller's notice. If the director does not
9 respond with a claim within the sixty-day period, any claim
10 made by the director shall not be enforceable against the
11 seller, the trust, or a trustee.

12 Sec. 1222. Section 523I.214, Code 2023, is amended to read
13 as follows:

14 **523I.214 Violations of law — referrals to the Iowa**
15 **department of public health and human services.**

16 If the commissioner discovers a violation of a provision
17 of this chapter or any other state law or rule concerning the
18 disposal or transportation of human remains, the commissioner
19 shall forward all evidence in the possession of the
20 commissioner concerning such a violation to the Iowa department
21 of public health and human services for such proceedings as
22 the Iowa department of public health and human services deems
23 appropriate.

24 Sec. 1223. Section 523I.701, subsection 6, Code 2023, is
25 amended to read as follows:

26 6. The lawn crypt shall be installed in compliance with any
27 applicable law or rule adopted by the Iowa department of public
28 health and human services.

29 Sec. 1224. Section 541A.1, Code 2023, is amended to read as
30 follows:

31 **541A.1 Definitions.**

32 For the purposes of this chapter, unless the context
33 otherwise requires:

34 1. "*Account holder*" means an individual who is the owner of
35 an individual development account.

1 ~~2.~~ ~~"Administrator" means the division of community action~~
2 ~~agencies of the department of human rights.~~

3 ~~3.~~ 2. *"Charitable contributor"* means a nonprofit
4 association described in section 501(c)(3) of the Internal
5 Revenue Code which makes a deposit to an individual development
6 account and which is exempt from taxation under section 501(a)
7 of the Internal Revenue Code.

8 3. *"Commission"* means the commission on community action
9 agencies created in section 216A.92A.

10 4. *"Department"* means the department of health and human
11 services.

12 5. *"Director"* means the director of health and human
13 services.

14 ~~4.~~ 6. *"Federal poverty level"* means the first poverty
15 income guidelines published in the calendar year by the United
16 States department of health and human services.

17 ~~5.~~ 7. *"Financial institution"* means a financial institution
18 approved by the ~~administrator~~ director as an investment
19 mechanism for individual development accounts.

20 ~~6.~~ 8. *"Household income"* means the annual household
21 income of an account holder or prospective account holder,
22 as determined in accordance with rules adopted by the
23 ~~administrator~~ director.

24 ~~7.~~ 9. *"Individual contributor"* means an individual who
25 makes a deposit to an individual development account and is not
26 the account holder or a charitable contributor.

27 ~~8.~~ 10. *"Individual development account"* means either of the
28 following:

29 a. A financial instrument that is certified to have the
30 characteristics described in section 541A.2 by the operating
31 organization.

32 b. A financial instrument that is certified by the
33 operating organization to have the characteristics described
34 in and funded by a federal individual development account
35 program under which federal and state funding contributed to

1 match account holder deposits is deposited by an operating
2 organization in accordance with federal law and regulations,
3 and which includes but is not limited to any of the programs
4 implemented under the following federal laws:

5 (1) The federal Personal Responsibility and Work
6 Opportunity Act of 1996, 42 U.S.C. §604(h).

7 (2) The federal Assets for Independence Act, Pub. L. No.
8 105-285, Tit. IV.

9 ~~9.~~ 11. "*Operating organization*" means an agency selected
10 by the ~~administrator~~ department for involvement in operating
11 individual development accounts directed to a specific target
12 population.

13 ~~10.~~ 12. "*Source of principal*" means any of the sources of
14 a deposit to an individual development account under section
15 541A.2, subsection 2.

16 Sec. 1225. Section 541A.2, subsection 7, Code 2023, is
17 amended to read as follows:

18 7. Subject to obtaining any necessary federal waivers, the
19 department of ~~human services~~ shall not consider moneys in an
20 individual development account and any earnings on the moneys
21 in determining the eligibility or need of an individual for
22 benefits or assistance or the amount of benefits or assistance
23 under the family investment program under chapter 239B, the
24 promoting independence and self-sufficiency through employment
25 job opportunities and basic skills program, or any other
26 program administered by the department of ~~human services~~.

27 Sec. 1226. Section 541A.3, Code 2023, is amended to read as
28 follows:

29 **541A.3 Individual development accounts — state savings match**
30 **and tax provisions.**

31 All of the following state savings match and tax provisions
32 shall apply to an individual development account:

33 1. a. Payment by the state of a state savings match on
34 amounts of up to two thousand dollars that an account holder
35 deposits in the account holder's account.

1 *b.* Moneys transferred to an individual development account
2 from another individual development account and a state savings
3 match received by the account holder in accordance with this
4 section shall not be considered an account holder deposit for
5 purposes of determining a state savings match.

6 *c.* Payment of a state savings match either shall be
7 made directly to the account holder or to an operating
8 organization's central reserve account for later distribution
9 to the account holder in the most appropriate manner as
10 determined by the ~~administrator~~ department.

11 *d.* Subject to the limitation in paragraph "a", the state
12 savings match shall be equal to one hundred percent of
13 the amount deposited by the account holder. However, the
14 ~~administrator~~ department may limit, reduce, delay, or otherwise
15 revise state savings match payment provisions as necessary to
16 restrict the payments to the funding available.

17 2. Income earned by an individual development account is
18 not subject to state tax, in accordance with the provisions of
19 section 422.7, subsection 17.

20 3. Amounts transferred between individual development
21 accounts are not subject to state tax.

22 4. The ~~administrator~~ department shall coordinate the filing
23 of claims for a state savings match authorized under subsection
24 1, between account holders and operating organizations. Claims
25 approved by the ~~administrator~~ department may be paid to each
26 account holder, for an aggregate amount for distribution to the
27 holders of the accounts in a particular financial institution,
28 or to an operating organization's central reserve account
29 for later distribution to the account holders depending on
30 the efficiency for issuing the state savings match payments.
31 Claims shall be initially filed with the ~~administrator~~
32 department on or before a date established by the ~~administrator~~
33 department. Claims approved by the ~~administrator~~ department
34 shall be paid from the individual development account state
35 savings match fund.

1 Sec. 1227. Section 541A.5, Code 2023, is amended to read as
2 follows:

3 **541A.5 Rules.**

4 1. The commission ~~on community action agencies created~~
5 ~~in section 216A.92A~~, in consultation with the department of
6 administrative services, shall adopt administrative rules to
7 administer this chapter.

8 2. *a.* The rules adopted by the commission shall include
9 but are not limited to provision for transfer of an individual
10 development account to a different financial institution than
11 originally approved by the ~~administrator~~ department, if the
12 different financial institution has an agreement with the
13 account's operating organization.

14 *b.* The rules for determining household income may provide
15 categorical eligibility for prospective account holders who are
16 enrolled in programs with income eligibility restrictions that
17 are equal to or less than the maximum household income allowed
18 for payment of a state match under section 541A.3.

19 *c.* Subject to the availability of funding, the commission
20 may adopt rules implementing an individual development account
21 program for refugees. Rules shall identify purposes authorized
22 for withdrawals to meet the special needs of refugee families.

23 3. The ~~administrator~~ department shall utilize a request for
24 proposals process for selection of operating organizations and
25 approval of financial institutions.

26 Sec. 1228. Section 541A.6, Code 2023, is amended to read as
27 follows:

28 **541A.6 Compliance with federal requirements.**

29 The commission ~~on community action agencies~~ shall adopt
30 rules for compliance with federal individual development
31 account requirements under the federal Personal Responsibility
32 and Work Opportunity Reconciliation Act of 1996, §103, as
33 codified in 42 U.S.C. §604(h), under the federal Assets
34 for Independence Act, Pub. L. No. 105-285, Tit. IV, or with
35 any other federal individual development account program

1 requirements for drawing federal funding. Any rules adopted
 2 under this section shall not apply the federal individual
 3 development account program requirements to an operating
 4 organization which does not utilize federal funding for the
 5 accounts with which it is connected or to an account holder who
 6 does not receive temporary assistance for needy families block
 7 grant or other federal funding.

8 Sec. 1229. Section 541A.7, Code 2023, is amended to read as
 9 follows:

10 **541A.7 Individual development account state match fund.**

11 1. An individual development account state match fund
 12 is created in the state treasury under the authority of the
 13 ~~administrator~~ department. Notwithstanding section 8.33,
 14 moneys appropriated to the fund shall not revert to any other
 15 fund. Notwithstanding section 12C.7, subsection 2, interest
 16 or earnings on moneys deposited in the fund shall be credited
 17 to the fund.

18 2. Moneys available in the fund for a fiscal year are
 19 appropriated to the ~~administrator~~ department to be used
 20 to provide the state match for account holder deposits in
 21 accordance with section 541A.3. At least eighty-five percent
 22 of the amount appropriated shall be used for state match
 23 payments and the remainder may be used for the administrative
 24 costs of the operating organization. Administrative costs
 25 include but are not limited to accounting services, curriculum
 26 costs for financial education or asset-specific training, and
 27 costs for technical assistance contractors.

28 Sec. 1230. Section 589.26, Code 2023, is amended to read as
 29 follows:

30 **589.26 Land transfers by the department of health and human**
 31 **services legalized.**

32 Every deed, release or other instrument in writing
 33 purporting to transfer any interest in land held or claimed by
 34 the department of health and human services or a predecessor
 35 agency, which is signed by a departmental official, and which

1 was filed of record more than ten years earlier, in the office
2 of the auditor or recorder or clerk of the district court of
3 any county is legalized and shall be good and valid in law
4 and in equity as fully as if the record expressly showed that
5 it in all respects complied with and was fully authorized as
6 provided in any statute pertaining to such instrument, any
7 other provision of law to the contrary notwithstanding.

8 Sec. 1231. Section 595.4, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. Previous to the issuance of any license to marry, the
11 parties desiring the license shall sign and file a verified
12 application with the county registrar which application
13 either may be mailed to the parties at their request or
14 may be signed by them at the office of the county registrar
15 in the county in which the license is to be issued. The
16 application shall include the social security number of each
17 applicant and shall set forth at least one affidavit of some
18 competent and disinterested person stating the facts as to
19 age and qualification of the parties. Upon the filing of the
20 application for a license to marry, the county registrar shall
21 file the application in a record kept for that purpose and
22 shall take all necessary steps to ensure the confidentiality of
23 the social security number of each applicant. All information
24 included on an application may be provided as mutually agreed
25 upon by the ~~division of records and~~ state registrar of vital
26 statistics and the child support recovery unit services,
27 including by automated exchange.

28 Sec. 1232. Section 598.7, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. The district court may, on its own motion or on the
31 motion of any party, order the parties to participate in
32 mediation in any dissolution of marriage action or other
33 domestic relations action. Mediation performed under this
34 section shall comply with the provisions of chapter 679C.
35 The provisions of this section shall not apply if the action

1 involves a child support or medical support obligation enforced
2 by the child support ~~recovery unit~~ services. The provisions
3 of this section shall not apply to actions which involve elder
4 abuse pursuant to chapter 235F or domestic abuse pursuant
5 to chapter 236. The provisions of this section shall not
6 affect a judicial district's or court's authority to order
7 settlement conferences pursuant to rules of civil procedure.
8 The court shall, on application of a party, grant a waiver
9 from any court-ordered mediation under this section if the
10 party demonstrates that a history of domestic abuse exists as
11 specified in section 598.41, subsection 3, paragraph "j".

12 Sec. 1233. Section 598.21B, subsection 1, paragraphs c and
13 d, Code 2023, are amended to read as follows:

14 c. It is the intent of the general assembly that, to the
15 extent possible within the requirements of federal law, the
16 court and the child support ~~recovery unit~~ services consider the
17 individual facts of each judgment or case in the application
18 of the guidelines and determine the support obligation
19 accordingly. It is also the intent of the general assembly
20 that in the supreme court's review of the guidelines, the
21 supreme court shall do both of the following:

22 (1) Emphasize the ability of a court to apply the guidelines
23 in a just and appropriate manner based upon the individual
24 facts of a judgment or case.

25 (2) In determining monthly child support payments, consider
26 other children for whom either parent is legally responsible
27 for support and other child support obligations actually paid
28 by either party pursuant to a court or administrative order.

29 d. The guidelines prescribed by the supreme court shall
30 be used by the department of health and human services in
31 determining child support payments under sections 252C.2
32 and 252C.4. A variation from the guidelines shall not be
33 considered by the department without a record or written
34 finding, based on stated reasons, that the guidelines would be
35 unjust or inappropriate as determined under criteria prescribed

1 by the supreme court.

2 Sec. 1234. Section 598.21B, subsection 2, paragraph e, Code
3 2023, is amended to read as follows:

4 *e. Special circumstances justifying variation from*
5 *guidelines.* Unless the special circumstances of the case
6 justify a deviation, the court or ~~the~~ child support ~~recovery~~
7 ~~unit~~ services shall establish a monthly child support payment
8 in accordance with the guidelines for a parent who is nineteen
9 years of age or younger, who has not received a high school
10 or high school equivalency diploma, and to whom each of the
11 following apply:

12 (1) The parent is attending a school or program described as
13 follows or has been identified as one of the following:

14 (a) The parent is in full-time attendance at an accredited
15 school and is pursuing a course of study leading to a high
16 school diploma.

17 (b) The parent is attending an instructional program
18 leading to a high school equivalency diploma.

19 (c) The parent is attending a career and technical education
20 program approved pursuant to chapter 258.

21 (d) The parent has been identified by the director of
22 special education of the area education agency as a child
23 requiring special education as defined in section 256B.2.

24 (2) The parent provides proof of compliance with the
25 requirements of subparagraph (1) to ~~the~~ child support ~~recovery~~
26 ~~unit~~ services, if ~~the-unit~~ child support services is providing
27 services under chapter 252B, or if ~~the-unit~~ child support
28 services is not providing services pursuant to chapter 252B, to
29 the court as the court may direct. Failure to provide proof of
30 compliance under this subparagraph or proof of compliance under
31 section 598.21G is grounds for modification of the support
32 order using the uniform child support guidelines and imputing
33 an income to the parent equal to a forty-hour workweek at the
34 state minimum wage, unless the parent's education, experience,
35 or actual earnings justify a higher income.

1 Sec. 1235. Section 598.21C, subsection 2, paragraph b, Code
2 2023, is amended to read as follows:

3 *b.* This basis for modification is applicable to petitions
4 filed on or after July 1, 1992, notwithstanding whether
5 the guidelines prescribed by section 598.21B were used in
6 establishing the current amount of support. Upon application
7 for a modification of an order for child support for which
8 services are being received pursuant to chapter 252B, the
9 court shall set the amount of child support based upon the
10 most current child support guidelines established pursuant
11 to section 598.21B, including provisions for medical support
12 pursuant to chapter 252E. ~~The child~~ Child support ~~recovery~~
13 ~~unit~~ services shall, in submitting an application for
14 modification, adjustment, or alteration of an order for
15 support, employ additional criteria and procedures as provided
16 in chapter 252H and as established by rule.

17 Sec. 1236. Section 598.21C, subsections 3, 5, and 7, Code
18 2023, are amended to read as follows:

19 3. *Applicable law.* Unless otherwise provided pursuant to
20 28 U.S.C. §1738B, a modification of a support order entered
21 under chapter 234, 252A, 252C, 600B, this chapter, or any
22 other support chapter or proceeding between parties to the
23 order is void unless the modification is approved by the
24 court, after proper notice and opportunity to be heard is
25 given to all parties to the order, and entered as an order
26 of the court. If support payments have been assigned to the
27 department of health and human services pursuant to section
28 234.39, 239B.6, or 252E.11, or if services are being provided
29 pursuant to chapter 252B, the department is a party to the
30 support order. Modifications of orders pertaining to child
31 custody shall be made pursuant to chapter 598B. If the petition
32 for a modification of an order pertaining to child custody asks
33 either for joint custody or that joint custody be modified to
34 an award of sole custody, the modification, if any, shall be
35 made pursuant to section 598.41.

1 5. *Retroactivity of modification.* Judgments for child
2 support or child support awards entered pursuant to this
3 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
4 chapter of the Code which are subject to a modification
5 proceeding may be retroactively modified only from three
6 months after the date the notice of the pending petition for
7 modification is served on the opposing party. The three-month
8 limitation applies to a modification action pending on or after
9 July 1, 1997. The prohibition of retroactive modification does
10 not bar the child support ~~recovery unit~~ services from obtaining
11 orders for accrued support for previous time periods. Any
12 retroactive modification which increases the amount of child
13 support or any order for accrued support under this subsection
14 shall include a periodic payment plan. A retroactive
15 modification shall not be regarded as a delinquency unless
16 there are subsequent failures to make payments in accordance
17 with the periodic payment plan.

18 7. *Modification by child support ~~recovery unit~~*
19 *services*. Notwithstanding any other provision of law to the
20 contrary, when an application for modification or adjustment
21 of support is submitted by the child support ~~recovery unit~~
22 *services*, the sole issues which may be considered by the
23 court in that action are the application of the guidelines
24 in establishing the amount of support pursuant to section
25 598.21B, and provision for medical support under chapter
26 252E. When an application for a cost-of-living alteration
27 of support is submitted by the child support ~~recovery unit~~
28 *services* pursuant to section 252H.24, the sole issue which may
29 be considered by the court in the action is the application of
30 the cost-of-living alteration in establishing the amount of
31 child support. Issues related to custody, visitation, or other
32 provisions unrelated to support shall be considered only under
33 a separate application for modification.

34 Sec. 1237. Section 598.21G, Code 2023, is amended to read
35 as follows:

1 **598.21G Minor parent — parenting classes.**

2 In any order or judgment entered under this chapter or
3 chapter 234, 252A, 252C, 252F, or 600B, or under any other
4 chapter which provides for temporary or permanent support
5 payments, if the parent ordered to pay support is less than
6 eighteen years of age, one of the following shall apply:

7 1. If ~~the child support recovery unit services~~ is
8 providing services pursuant to chapter 252B, the court, or
9 the ~~administrator as defined in section 252C.1, department of~~
10 health and human services shall order the parent ordered to pay
11 support to attend parenting classes which are approved by the
12 department of health and human services.

13 2. If ~~the child support recovery unit services~~ is not
14 providing services pursuant to chapter 252B, the court may
15 order the parent ordered to pay support to attend parenting
16 classes which are approved by the court.

17 Sec. 1238. Section 598.22A, subsection 4, Code 2023, is
18 amended to read as follows:

19 4. Payment of accrued support debt due the department of
20 health and human services shall be credited pursuant to section
21 252B.3, subsection 5.

22 Sec. 1239. Section 598.22B, Code 2023, is amended to read
23 as follows:

24 **598.22B Information required in order or judgment.**

25 This section applies to all initial or modified orders
26 for paternity or support entered under this chapter, chapter
27 234, 252A, 252C, 252F, 252H, 252K, or 600B, or under any other
28 chapter, and any subsequent order to enforce such support
29 orders.

30 1. All such orders or judgments shall direct each party
31 to file with the clerk of court or ~~the child support recovery~~
32 unit services, as appropriate, upon entry of the order, and to
33 update as appropriate, information on location and identity of
34 the party, including social security number, residential and
35 mailing addresses, electronic mail address, telephone number,

1 driver's license number, and name, address, and telephone
2 number of the party's employer. The order shall also include a
3 provision that the information filed will be disclosed and used
4 pursuant to this section. The party shall file the information
5 with the clerk of court, or, if all support payments are to
6 be directed to the collection services center as provided in
7 section 252B.14, subsection 2, and section 252B.16, with ~~the~~
8 child support ~~recovery unit~~ services.

9 2. All such orders or judgments shall include a statement
10 that in any subsequent child support action initiated by ~~the~~
11 child support ~~recovery unit~~ services or between the parties,
12 upon sufficient showing that diligent effort has been made to
13 ascertain the location of such a party, ~~the unit child support~~
14 services or the court shall deem due process requirements for
15 notice and service of process to be met with respect to the
16 party, upon delivery of written notice to the most recent
17 residential or employer address filed with the clerk of court
18 or ~~unit child support services~~ pursuant to subsection 1.

19 3. a. Information filed pursuant to subsection 1 shall not
20 be a public record.

21 b. Information filed with the clerk of court pursuant
22 to subsection 1 shall be available to ~~the~~ child support
23 ~~recovery unit~~ services, upon request. Beginning October 1,
24 1998, information filed with the clerk of court pursuant to
25 subsection 1 shall be provided by the clerk of court to ~~the~~
26 child support ~~recovery unit~~ services pursuant to section
27 252B.24.

28 c. Information filed with the clerk of court shall be
29 available, upon request, to a party unless the party filing
30 the information also files an affidavit alleging the party has
31 reason to believe that release of the information may result in
32 physical or emotional harm to the affiant or child. However,
33 even if an affidavit has been filed, any information provided
34 by the clerk of court to ~~the~~ child support ~~recovery unit~~
35 services shall be disclosed by ~~the unit child support services~~

1 as provided in section 252B.9.

2 *d.* Information provided to ~~the unit~~ child support services
3 shall only be disclosed as provided in section 252B.9.

4 Sec. 1240. Section 598.23A, subsection 2, paragraph b,
5 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
6 to read as follows:

7 The contemnor shall keep a record of and provide the
8 following information to the court at the court's request, or
9 to ~~the child support recovery unit established pursuant to~~
10 ~~chapter 252B~~ services created in section 252B.2, at the ~~unit's~~
11 request of child support services, when ~~the unit~~ child support
12 services is providing enforcement services pursuant to chapter
13 252B:

14 Sec. 1241. Section 598.23A, subsection 2, paragraph c,
15 subparagraph (3), Code 2023, is amended to read as follows:

16 (3) The court order under this paragraph shall be vacated
17 only after verification is provided to the court that the
18 contemnor has satisfied all accrued obligations owing and that
19 the contemnor has satisfied all terms established by the court
20 and when the person entitled to receive support payments, or
21 ~~the child support recovery unit~~ services when ~~the unit~~ child
22 support services is providing enforcement services pursuant
23 to chapter 252B, has been provided ten days' notice and an
24 opportunity to object.

25 Sec. 1242. Section 598.26, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. Until a decree of dissolution has been entered, the
28 record and evidence shall be closed to all but the court,
29 its officers, and ~~the child support recovery unit~~ services
30 of the department of health and human services pursuant to
31 section 252B.9. However, the payment records of a temporary
32 support order maintained by the clerk of the district court
33 are public records and may be released upon request. Payment
34 records shall not include address or location information. No
35 other person shall permit a copy of any of the testimony, or

1 pleading, or the substance of any testimony or pleading, to be
 2 made available to any person other than a party to the action
 3 or a party's attorney. Nothing in this subsection shall be
 4 construed to prohibit publication of the original notice as
 5 provided by the rules of civil procedure.

6 Sec. 1243. Section 598.34, subsection 1, unnumbered
 7 paragraph 1, Code 2023, is amended to read as follows:

8 If public assistance is provided by the department of
 9 health and human services to or on behalf of a dependent child
 10 or a dependent child's caretaker, there is an assignment by
 11 operation of law to the department of any and all rights in,
 12 title to, and interest in any support obligation, payment, and
 13 arrearages owed to or for the child or caretaker not to exceed
 14 the amount of public assistance paid for or on behalf of the
 15 child or caretaker as follows:

16 Sec. 1244. Section 598.34, subsection 3, Code 2023, is
 17 amended to read as follows:

18 3. The clerk shall furnish the department with copies
 19 of all orders or decrees and temporary or domestic abuse
 20 orders addressing support when the parties are receiving
 21 public assistance or services are otherwise provided by the
 22 child support ~~recovery unit~~ services pursuant to chapter
 23 252B. Unless otherwise specified in the order, an equal and
 24 proportionate share of any child support awarded shall be
 25 presumed to be payable on behalf of each child subject to the
 26 order or judgment for purposes of an assignment under this
 27 section.

28 Sec. 1245. Section 600.2, Code 2023, is amended to read as
 29 follows:

30 **600.2 Definitions.**

31 1. ~~"Child", "parent", "parent-child relationship",~~
 32 ~~"termination of parental rights", "biological parent",~~
 33 ~~"stepparent", "guardian", "custodian", "guardian ad litem",~~
 34 ~~"minor", "adoption service provider", "certified adoption~~
 35 ~~investigator", "adult", "agency", "department", "court", and~~

1 ~~"juvenile court"~~ "Adoption service provider", "adult", "agency",
 2 "biological parent", "certified adoption investigator", "child",
 3 "court", "custodian", "department", "guardian", "guardian ad
 4 litem", "juvenile court", "minor", "parent", "parent-child
 5 relationship", "stepparent", and "termination of parental rights"
 6 mean the same as defined in section 600A.2.

7 2. "Investigator" means a natural person who is certified or
 8 approved by the department ~~of human services~~, after inspection
 9 by the department of inspections and appeals, as being capable
 10 of conducting an investigation under section 600.8.

11 Sec. 1246. Section 600.7A, Code 2023, is amended to read as
 12 follows:

13 **600.7A Adoption services provided by or through the**
 14 **~~department of human services~~ — selection of adoptive parent**
 15 **criteria.**

16 The department ~~of human services~~ shall adopt rules which
 17 provide that if adoption services are provided by or through
 18 the department, notwithstanding any other selection of
 19 adoptive parent criteria, the overriding criterion shall be a
 20 preference for placing a child in a stable home environment as
 21 expeditiously as possible.

22 Sec. 1247. Section 600.8, subsection 2, paragraph c, Code
 23 2023, is amended to read as follows:

24 c. If the person making the investigation does not approve
 25 a prospective adoption petitioner under paragraph "a" of this
 26 subsection, the person investigated may appeal the disapproval
 27 as a contested case to the director of health and human
 28 services. Judicial review of any adverse decision by the
 29 director may be sought pursuant to chapter 17A.

30 Sec. 1248. Section 600.16A, subsection 5, Code 2023, is
 31 amended to read as follows:

32 5. Notwithstanding subsection 2, a termination of parental
 33 rights order issued pursuant to this chapter, section 600A.9,
 34 or any other chapter shall be disclosed to ~~the~~ child support
 35 ~~recovery unit~~ services, upon request, without court order.

1 Sec. 1249. Section 600.16B, Code 2023, is amended to read
2 as follows:

3 **600.16B Fees.**

4 The supreme court shall prescribe and the department of
5 ~~human services~~ shall adopt rules, to defray the actual cost of
6 the provision of information or the opening of records pursuant
7 to section 600.16 or 600.16A.

8 Sec. 1250. Section 600.17, unnumbered paragraph 1, Code
9 2023, is amended to read as follows:

10 The department of ~~human services~~ shall, within the limits of
11 funds appropriated to the department of ~~human services~~ and any
12 gifts or grants received by the department for this purpose,
13 provide financial assistance to any person who adopts a child
14 with physical or mental disabilities or an older or otherwise
15 hard-to-place child, if the adoptive parent has the capability
16 of providing a suitable home for the child but the need for
17 special services or the costs of maintenance are beyond the
18 economic resources of the adoptive parent.

19 Sec. 1251. Section 600.17, subsection 3, Code 2023, is
20 amended to read as follows:

21 3. The department of ~~human services~~ shall make adoption
22 presubsidy and adoption subsidy payments to adoptive parents at
23 the beginning of the month for the current month.

24 Sec. 1252. Section 600.18, Code 2023, is amended to read as
25 follows:

26 **600.18 Determination of assistance.**

27 1. Any prospective adoptive parent desiring financial
28 assistance shall state this fact in the petition for adoption.
29 The department of ~~human services~~ shall investigate the person
30 petitioning for adoption and the child and shall file with the
31 juvenile court or court a statement of whether the department
32 will provide assistance as provided in section 600.17, this
33 section, and sections 600.19 through 600.22, the estimated
34 amount, extent, and duration of assistance, and any other
35 information the juvenile court or court may order.

1 2. If the department of ~~human services~~ is unable to
 2 determine that an insurance policy will cover the costs of
 3 special services, it shall proceed as if no policy existed, for
 4 the purpose of determining eligibility to receive assistance.
 5 The department shall, to the amount of financial assistance
 6 given, be subrogated to the rights of the adoptive parent in
 7 the insurance contract.

8 Sec. 1253. Section 600.22, Code 2023, is amended to read as
 9 follows:

10 **600.22 Rules.**

11 The department of ~~human services~~ shall adopt rules in
 12 accordance with the provisions of chapter 17A, which are
 13 necessary for the administration of sections 600.17 through
 14 600.21 and 600.23.

15 Sec. 1254. Section 600.23, subsection 1, Code 2023, is
 16 amended to read as follows:

17 1. *Purpose.* The department of ~~human services~~ may enter
 18 into interstate agreements with state agencies of other states
 19 for the protection of children on behalf of whom adoption
 20 subsidy is being provided by the department of ~~human services~~
 21 and to provide procedures for interstate children's adoption
 22 assistance payments, including medical payments.

23 Sec. 1255. Section 600.23, subsection 2, paragraphs a and b,
 24 Code 2023, are amended to read as follows:

25 a. The ~~Iowa~~ department of ~~human services~~ may enter into
 26 interstate agreements with state agencies of other states for
 27 the provision of medical services to adoptive families who
 28 participate in the subsidized adoption or adoption assistance
 29 program.

30 b. The ~~Iowa~~ department of ~~human services~~ may develop,
 31 participate in the development of, negotiate, and enter into
 32 one or more interstate compacts on behalf of this state with
 33 other states to implement one or more of the purposes set forth
 34 in this section. When so entered into, and for so long as it
 35 shall remain in force, such a compact shall have the force and

1 effect of law.

2 Sec. 1256. Section 600.23, subsection 4, paragraphs a, b,
3 and c, Code 2023, are amended to read as follows:

4 a. A child with special needs residing in this state who is
5 the subject of an adoption assistance agreement with another
6 state shall be entitled to receive a medical assistance card
7 from this state upon the filing of a certified copy of the
8 adoption assistance agreement obtained from the adoption
9 assistance state. In accordance with regulations of the ~~Iowa~~
10 ~~department of human services~~, the adoptive parents shall be
11 required at least annually to show that the agreement is still
12 in force or has been renewed.

13 b. The ~~Iowa~~ department of ~~human services~~ shall consider the
14 holder of a medical assistance card pursuant to this section as
15 any other holder of a medical assistance card under the laws
16 of this state and shall process and make payment on claims
17 on account of such holder in the same manner and pursuant to
18 the same conditions and procedures as for other recipients of
19 medical assistance.

20 c. The ~~Iowa~~ department of ~~human services~~ shall provide
21 coverage and benefits for a child who is in another state and
22 who is covered by an adoption subsidy agreement made prior
23 to July 1, 1987, by the ~~Iowa~~ department of ~~human services~~
24 for the coverage or benefits, if any, not provided by the
25 residence state. The adoptive parents acting for the child may
26 submit evidence of payment for services or benefit amounts not
27 payable in the residence state and shall be reimbursed for such
28 expense. However, reimbursement shall not be made for services
29 or benefit amounts covered under any insurance or other third
30 party medical contract or arrangement held by the child or the
31 adoptive parents. The additional coverages and benefit amounts
32 provided pursuant to this subsection shall be for services to
33 the cost of which there is no federal contribution, or which,
34 if federally aided, are not provided by the residence state.
35 Such regulations shall include procedures to be followed in

1 obtaining prior approvals for services in those instances where
2 required for the assistance.

3 Sec. 1257. Section 600A.2, subsections 5 and 9, Code 2023,
4 are amended to read as follows:

5 5. "*Certified adoption investigator*" means a person who is
6 certified and approved by the department ~~of human services~~,
7 after inspection by the department of inspections and appeals,
8 as being capable of conducting an investigation under section
9 600.8.

10 9. "*Department*" means the ~~state~~ department of health and
11 human services ~~or its subdivisions~~.

12 Sec. 1258. Section 600A.4, subsection 2, paragraph d,
13 subparagraph (2), Code 2023, is amended to read as follows:

14 (2) If accepted, the counseling shall be provided after
15 the birth of the child and prior to the signing of a release
16 of custody or the filing of a petition for termination of
17 parental rights as applicable. Counseling shall be provided
18 only by a person who is qualified under rules adopted by the
19 department ~~of human services~~ which shall include a requirement
20 that the person complete a minimum number of hours of training
21 in the area of adoption-related counseling approved by the
22 department. If counseling is accepted, the counselor shall
23 provide an affidavit, which shall be attached to the release of
24 custody, when practicable, certifying that the counselor has
25 provided the biological parent with the requested counseling
26 and documentation that the person is qualified to provide the
27 requested counseling as prescribed by this paragraph "d". The
28 requirements of this paragraph "d" do not apply to a release
29 of custody which is executed for the purposes of a stepparent
30 adoption.

31 Sec. 1259. Section 600A.8, subsection 8, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The parent has been determined to be a person with a
34 ~~substance-related~~ substance use disorder as defined in section
35 125.2 and the parent has committed a second or subsequent

1 domestic abuse assault pursuant to section 708.2A.

2 Sec. 1260. Section 600B.38, subsections 1 and 3, Code 2023,
3 are amended to read as follows:

4 1. If public assistance is provided by the department of
5 health and human services to or on behalf of a dependent child
6 or a dependent child's caretaker, there is an assignment by
7 operation of law to the department of any and all rights in,
8 title to, and interest in any support obligation, payment, and
9 arrearages owed to or on behalf of the child or caretaker, not
10 to exceed the amount of public assistance paid for or on behalf
11 of the child or caretaker as follows:

12 a. For family investment program assistance, section 239B.6
13 shall apply.

14 b. For foster care services, section 234.39 shall apply.

15 c. For medical assistance, section 252E.11 shall apply.

16 3. The clerk shall furnish the department with copies of
17 all orders or decrees and temporary or domestic abuse orders
18 addressing support when the parties are receiving public
19 assistance or services are otherwise provided by the child
20 support ~~recovery unit~~ services. Unless otherwise specified
21 in the order, an equal and proportionate share of any child
22 support awarded shall be presumed to be payable on behalf of
23 each child subject to the order or judgment for purposes of an
24 assignment under this section.

25 Sec. 1261. Section 600B.41A, subsection 3, paragraph c,
26 subparagraph (1), Code 2023, is amended to read as follows:

27 (1) If enforcement services are being provided by the
28 child support ~~recovery unit~~ services pursuant to chapter 252B,
29 notice shall also be served on the child support ~~recovery unit~~
30 services.

31 Sec. 1262. Section 600B.41A, subsection 11, Code 2023, is
32 amended to read as follows:

33 11. Participation of the child support ~~recovery unit~~
34 services created in section 252B.2 in an action brought under
35 this section shall be limited as follows:

1 ~~a. The unit~~ Child support services shall only participate
2 in actions if services are being provided by ~~the unit~~ child
3 support services pursuant to chapter 252B.

4 ~~b. When services are being provided by the unit~~ child
5 support services under chapter 252B, ~~the unit~~ child support
6 services may enter an administrative order for blood and
7 genetic tests pursuant to chapter 252F.

8 ~~c. The unit~~ Child support services is not responsible for or
9 required to provide for or assist in obtaining blood or genetic
10 tests in any case in which services are not being provided by
11 ~~the unit~~ child support services.

12 ~~d. The unit~~ Child support services is not responsible for
13 the costs of blood or genetic testing conducted pursuant to an
14 action brought under this section.

15 ~~e. Pursuant to section 252B.7, subsection 4, an attorney~~
16 employed by ~~the unit~~ child support services represents the
17 state in any action under this section. ~~The unit's~~ Child
18 support services' attorney is not the legal representative of
19 the mother, the established father, or the child in any action
20 brought under this section.

21 Sec. 1263. Section 600C.1, subsection 3, paragraph c,
22 subparagraph (2), subparagraph division (f), Code 2023, is
23 amended to read as follows:

24 (f) ~~Drug abuse~~ Substance use disorder.

25 Sec. 1264. Section 602.4201, subsection 3, paragraph h,
26 Code 2023, is amended to read as follows:

27 ~~h. Involuntary commitment or treatment of persons with~~
28 ~~substance-related disorders~~ a substance use disorder.

29 Sec. 1265. Section 602.6111, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. Any party, except ~~the child support recovery unit~~
32 services, filing a petition, complaint, answer, appearance,
33 first motion, or any document with the clerk of the district
34 court to establish or modify an order for child support
35 under chapter 236, 252A, 252K, 598, or 600B shall provide the

1 clerk of the district court with the date of birth and social
2 security number of the child.

3 Sec. 1266. Section 602.6405, subsection 2, paragraph b,
4 Code 2023, is amended to read as follows:

5 b. Magistrates shall forward copies of citations issued
6 for violations of section 453A.2, subsection 2, and of their
7 dispositions to the clerk of the district court. The clerk of
8 the district court shall maintain records of citations issued
9 and the dispositions of citations, and shall forward a copy of
10 the records to the Iowa department of ~~public~~ health and human
11 services.

12 Sec. 1267. Section 602.8102, subsections 33, 43, and 47,
13 Code 2023, are amended to read as follows:

14 33. Furnish to the Iowa department of ~~public~~ health and
15 human services a certified copy of a judgment relating to the
16 suspension or revocation of a professional license.

17 43. Submit to the director of ~~the division of child and~~
18 ~~family services of the department of~~ health and human services
19 a duplicate of the findings of the court related to adoptions
20 as provided in section 235.3, subsection 7.

21 47. Record support payments made pursuant to an order
22 entered under chapter 252A, 252F, 598, or 600B, or under a
23 comparable statute of another state or foreign country as
24 defined in chapter 252K, and through setoff of a state or
25 federal income tax refund or rebate, as if the payments were
26 received and disbursed by the clerk; forward support payments
27 received under section 252A.6 to the department of health
28 and human services and furnish copies of orders and decrees
29 awarding support to parties receiving ~~welfare~~ public assistance
30 as provided in section 252A.13.

31 Sec. 1268. Section 602.8103, subsection 4, paragraph j,
32 Code 2023, is amended to read as follows:

33 j. Court reporters' notes and certified transcripts of
34 those notes in mental health hearings under section 229.12 and
35 substance ~~abuse~~ use disorder hearings under section 125.82,

1 ninety days after the respondent has been discharged from
2 involuntary custody.

3 Sec. 1269. Section 613.17, subsection 2, paragraph b, Code
4 2023, is amended to read as follows:

5 b. A person or entity that owns, manages, or is otherwise
6 responsible for the premises on which an automated external
7 defibrillator is located if the person or entity maintains the
8 automated external defibrillator in a condition for immediate
9 and effective use at all times, subject to standards developed
10 by the department of ~~public~~ health and human services by rule.

11 Sec. 1270. Section 622.10, subsection 6, paragraph a, Code
12 2023, is amended to read as follows:

13 a. The fee charged for the cost of producing the requested
14 records or images shall be based upon the actual cost
15 of production. If the written request and accompanying
16 patient's waiver, if required, authorizes the release of
17 all of the patient's records for the requested time period,
18 including records relating to the patient's mental health,
19 substance ~~abuse~~ use disorder, and acquired immune deficiency
20 syndrome-related conditions, the amount charged shall not
21 exceed the rates established by the workers' compensation
22 commissioner for copies of records in workers' compensation
23 cases. If requested, the provider shall include an affidavit
24 certifying that the records or images produced are true and
25 accurate copies of the originals for an additional fee not to
26 exceed ten dollars.

27 Sec. 1271. Section 622A.7, Code 2023, is amended to read as
28 follows:

29 **622A.7 Rules.**

30 The supreme court, after consultation with the department
31 of health and human rights services and other appropriate
32 departments, shall adopt rules governing the qualifications and
33 compensation of interpreters or translators appearing in legal
34 proceedings under this chapter. However, an administrative
35 agency which is subject to chapter 17A may adopt rules

1 differing from those of the supreme court governing the
2 qualifications and compensation of interpreters or translators
3 appearing in proceedings before that agency.

4 Sec. 1272. Section 622B.1, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. The supreme court, after consultation with the
7 department of health and human ~~rights~~ services, shall adopt
8 rules governing the qualifications and compensation of sign
9 language interpreters appearing in a legal proceeding or before
10 an administrative agency under this chapter. However, an
11 administrative agency which is subject to chapter 17A may adopt
12 rules differing from those of the supreme court governing the
13 qualifications and compensation of sign language interpreters
14 appearing in proceedings before that agency.

15 Sec. 1273. Section 622B.4, Code 2023, is amended to read as
16 follows:

17 **622B.4 List.**

18 The office of deaf services of the department of health
19 and human ~~rights~~ services shall prepare and continually
20 update a listing of qualified and available sign language
21 interpreters. The courts and administrative agencies shall
22 maintain a directory of qualified interpreters for deaf and
23 hard-of-hearing persons as furnished by the department of
24 health and human ~~rights~~ services. The office of deaf services
25 of the department of health and human services shall maintain
26 a list of sign language interpreters which shall be made
27 available to a court, administrative agency, or interested
28 parties to an action using the services of a sign language
29 interpreter.

30 Sec. 1274. Section 626.29, Code 2023, is amended to read as
31 follows:

32 **626.29 Distress warrant by director of revenue, director of**
33 **inspections and appeals, or director of workforce development.**

34 In the service of a distress warrant issued by the director
35 of revenue for the collection of taxes administered by or debts

1 to be collected by the department of revenue, in the service of
 2 a distress warrant issued by the director of inspections and
 3 appeals for the collection of overpayment debts owed to the
 4 department of health and human services, or in the service of a
 5 distress warrant issued by the director of the department of
 6 workforce development for the collection of employment security
 7 contributions, the property of the taxpayer or the employer in
 8 the possession of another, or debts due the taxpayer or the
 9 employer, may be reached by garnishment.

10 Sec. 1275. Section 633.231, Code 2023, is amended to read
 11 as follows:

12 **633.231 Notice in intestate estates — medical assistance**
 13 **claims.**

14 1. Upon opening administration of an intestate estate,
 15 the administrator shall, in accordance with section 633.410,
 16 provide by electronic transmission on a form approved by
 17 the department of health and human services to the entity
 18 designated by the department of health and human services,
 19 a notice of opening administration of the estate and of
 20 the appointment of the administrator, which shall include a
 21 notice to file claims with the clerk or to provide electronic
 22 notification to the administrator that the department has no
 23 claim within six months from the date of sending this notice,
 24 or thereafter be forever barred.

25 2. The notice shall be in substantially the following form:

26 In the District Court of Iowa
 27 in and for County.

28 In the Estate of Probate No.
 29, Deceased

30 NOTICE OF OPENING
 31 ADMINISTRATION OF
 32 ESTATE, OF APPOINTMENT OF
 33 ADMINISTRATOR, AND
 34 NOTICE TO CREDITOR

35 To the Department of Health and Human Services Who May Be

1 Interested in the Estate of, Deceased, who died on or
2 about (date):

3 You are hereby notified that on the .. day of ... (month),
4 ... (year), an intestate estate was opened in the above-named
5 court and that was appointed administrator of the
6 estate.

7 You are further notified that the birthdate of the
8 deceased is ... and the deceased's social security number
9 is ...-...-.... The name of the spouse is The
10 birthdate of the spouse is ... and the spouse's social
11 security number is ...-...-...., and that the spouse of the
12 deceased is alive as of the date of this notice, or deceased as
13 of (date).

14 You are further notified that the deceased was/was not a
15 disabled or a blind child of the medical assistance recipient
16 by the name of, who had a birthdate of ... and a social
17 security number of ...-...-...., and the medical assistance
18 debt of that medical assistance recipient was waived pursuant
19 to section 249A.53, subsection 2, paragraph "a", subparagraph
20 (1), and is now collectible from this estate pursuant to
21 section 249A.53, subsection 2, paragraph "b".

22 Notice is hereby given that if the department of health
23 and human services has a claim against the estate for the
24 deceased person or persons named in this notice, the claim
25 shall be filed with the clerk of the above-named district
26 court, as provided by law, duly authenticated, for allowance,
27 within six months from the date of sending this notice and,
28 unless otherwise allowed or paid, the claim is thereafter
29 forever barred. If the department does not have a claim, the
30 department shall return the notice to the administrator with
31 notification stating the department does not have a claim
32 within six months from the date of sending this notice.

33 Dated this .. day of ... (month), ... (year)

34

35 Administrator of the estate

1
2

3
4 Address

5
6

7 Attorney for the administrator

8
9

10 Address

11 Sec. 1276. Section 633.304A, Code 2023, is amended to read
12 as follows:

13 **633.304A Notice of probate of will — medical assistance**
14 **claims.**

15 1. On admission of a will to probate, the executor shall,
16 in accordance with section 633.410, provide by electronic
17 transmission on a form approved by the department of health and
18 human services to the entity designated by the department of
19 health and human services, a notice of admission of the will
20 to probate and of the appointment of the executor, which shall
21 include a notice to file claims with the clerk or to provide
22 electronic notification to the executor that the department
23 has no claim within six months of sending this notice, or
24 thereafter be forever barred.

25 2. The notice shall be in substantially the following form:

26 In the District Court of Iowa

27 in and for County.

28 Probate No.

29 In the Estate of NOTICE OF PROBATE OF WILL,

30, Deceased OF APPOINTMENT OF

31 EXECUTOR, AND

32 NOTICE TO CREDITORS

33 To the Department of Health and Human Services, Who May Be
34 Interested in the Estate of, Deceased, who died on or
35 about (date):

36 You are hereby notified that on the .. day of ...(month),
37 ...(year), the last will and testament of, deceased,
38 bearing date of the .. day of ... (month), ... (year) was
39 admitted to probate in the above-named court and that

1 was appointed executor of the estate.

2 You are further notified that the birthdate of the
3 deceased is ... and the deceased's social security number is
4 ...-...-.... The name of the spouse is The birthdate
5 of the spouse is ... and the spouse's social security number
6 is ...-...-...., and that the spouse of the deceased is alive
7 as of the date of this notice, or deceased as of (date).

8 You are further notified that the deceased was/was not a
9 disabled or a blind child of the medical assistance recipient
10 by the name of, who had a birthdate of and a social
11 security number of ...-...-...., and the medical assistance
12 debt of that medical assistance recipient was waived pursuant
13 to section 249A.53, subsection 2, paragraph "a", subparagraph
14 (1), and is now collectible from this estate pursuant to
15 section 249A.53, subsection 2, paragraph "b".

16 Notice is hereby given that if the department of health
17 and human services has a claim against the estate for the
18 deceased person or persons named in this notice, the claim
19 shall be filed with the clerk of the above-named district
20 court, as provided by law, duly authenticated, for allowance
21 within six months from the date of sending this notice and,
22 unless otherwise allowed or paid, the claim is thereafter
23 forever barred. If the department does not have a claim,
24 the department shall return the notice to the executor with
25 notification that the department does not have a claim within
26 six months from the date of sending this notice.

27 Dated this .. day of ... (month), ... (year)

28

29 Executor of estate

30

31 Address

32

33 Attorney for executor

34

35 Address

1 Sec. 1277. Section 633.336, Code 2023, is amended to read
2 as follows:

3 **633.336 Damages for wrongful death.**

4 When a wrongful act produces death, damages recovered as a
5 result of the wrongful act shall be disposed of as personal
6 property belonging to the estate of the deceased; however, if
7 the damages include damages for loss of services and support
8 of a deceased spouse, parent, or child, the damages shall be
9 apportioned by the court among the surviving spouse, children,
10 and parents of the decedent in a manner as the court may deem
11 equitable consistent with the loss of services and support
12 sustained by the surviving spouse, children, and parents
13 respectively. Any recovery by a parent for the death of a
14 child shall be subordinate to the recovery, if any, of the
15 spouse or a child of the decedent. If the decedent leaves
16 a spouse, child, or parent, damages for wrongful death shall
17 not be subject to debts and charges of the decedent's estate,
18 except for amounts to be paid to the department of health
19 and human services for payments made for medical assistance
20 pursuant to chapter 249A, paid on behalf of the decedent from
21 the time of the injury which gives rise to the decedent's death
22 up until the date of the decedent's death.

23 Sec. 1278. Section 633.356, subsection 3, paragraph a,
24 subparagraph (9), Code 2023, is amended to read as follows:

25 (9) That no debt is owed to the department of health and
26 human services for reimbursement of Medicaid benefits; or if
27 debt is owed, that the debt will be paid to the extent of funds
28 received pursuant to the affidavit.

29 Sec. 1279. Section 633.356, subsection 8, paragraph b, Code
30 2023, is amended to read as follows:

31 b. When the department of health and human services is
32 entitled to money or property of a decedent pursuant to section
33 249A.53, subsection 2, and no affidavit has been presented by
34 a successor as defined in subsection 2, paragraph "a" or "b",
35 within ninety days of the date of the decedent's death, the

1 funds in the account or other property, up to the amount of
2 the claim of the department, shall be paid to the department
3 upon presentation by the department or an entity designated by
4 the department of an affidavit to the holder of the decedent's
5 property. Such affidavit shall include the information
6 specified in subsection 3, except that the department may
7 submit proof of payment of funeral expenses as verification
8 of the decedent's death instead of a certified copy of the
9 decedent's death certificate. The amount of the department's
10 claim shall also be included in the affidavit, which shall
11 entitle the department to receive the funds as a successor.
12 The department shall issue a refund within sixty days to any
13 claimant with a superior priority pursuant to section 633.425,
14 if notice of such claim is given to the department, or to the
15 entity designated by the department to receive notice, within
16 one year of the department's receipt of funds. This paragraph
17 shall apply to funds or property of the decedent transferred
18 to the custody of the treasurer of state as unclaimed property
19 pursuant to chapter 556.

20 Sec. 1280. Section 633.410, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Notwithstanding subsection 1, claims for debts created
23 under section 249A.53, subsection 2, relating to the recovery
24 of medical assistance payments shall be barred under this
25 section unless filed with the clerk within six months after
26 sending notice by electronic transmission, on the form
27 prescribed in section 633.231 for intestate estates or on the
28 form prescribed in section 633.304A for testate estates, to
29 the entity designated by the department of health and human
30 services to receive notice.

31 Sec. 1281. Section 633.564, subsection 3, Code 2023, is
32 amended to read as follows:

33 3. The judicial branch, in conjunction with the department
34 of public safety, the department of health and human services,
35 and the state chief information officer, shall establish

1 procedures for electronic access to the single contact
2 repository established pursuant to section 135C.33 necessary to
3 conduct background checks requested under subsection 1.

4 Sec. 1282. Section 633.641, subsection 4, Code 2023, is
5 amended to read as follows:

6 4. The conservator shall report to the department of health
7 and human services the protected person's assets and income,
8 if the protected person is receiving medical assistance under
9 chapter 249A. Such reports shall be made upon establishment of
10 a conservatorship for an individual applying for or receiving
11 medical assistance, upon application for benefits on behalf
12 of the protected person, upon annual or semiannual review of
13 continued medical assistance eligibility, when any significant
14 change in the protected person's assets or income occurs, or
15 as otherwise requested by the department of health and human
16 services. Written reports shall be provided to the department
17 of health and human services office for the county in which the
18 protected person resides or the office in which the protected
19 person's medical assistance is administered.

20 Sec. 1283. Section 633B.120, subsection 2, paragraph f,
21 Code 2023, is amended to read as follows:

22 f. The person makes, or has actual knowledge that another
23 person has made, a report to the department of health and human
24 services stating a good-faith belief that the principal may be
25 subject to physical or financial abuse, neglect, exploitation,
26 or abandonment by the agent or a person acting for or with the
27 agent.

28 Sec. 1284. Section 633C.1, Code 2023, is amended to read as
29 follows:

30 **633C.1 Definitions.**

31 For purposes of this chapter, unless the context otherwise
32 requires:

33 1. "*Available monthly income*" means in reference to a
34 medical assistance income trust beneficiary, any income
35 received directly by the beneficiary, not from the trust,

1 that counts as income in determining eligibility for medical
2 assistance and any amounts paid to or otherwise made available
3 to the beneficiary by the trustee pursuant to section 633C.3,
4 subsection 1, paragraph "b", or section 633C.3, subsection 2,
5 paragraph "b".

6 2. "*Beneficiary*" means the original beneficiary of a medical
7 assistance special needs trust or medical assistance income
8 trust, whose assets funded the trust.

9 3. "*Department*" means the department of health and human
10 services.

11 ~~3.~~ 4. "*Institutionalized individual*" means an individual
12 receiving nursing facility services, a level of care in any
13 institution equivalent to nursing facility services, or home
14 and community-based services under the medical assistance home
15 and community-based services waiver program.

16 ~~4.~~ 5. "*Maximum monthly medical assistance payment rate for*
17 *services in an intermediate care facility for persons with an*
18 *intellectual disability*" means the allowable rate established by
19 the department of ~~human services~~ and as published in the Iowa
20 administrative bulletin.

21 ~~5.~~ 6. "*Medical assistance*" means medical assistance as
22 defined in section 249A.2.

23 ~~6.~~ 7. "*Medical assistance income trust*" means a trust or
24 similar legal instrument or device that meets the criteria of
25 42 U.S.C. §1396p(d)(4)(B)(i)-(ii).

26 ~~7.~~ 8. "*Medical assistance special needs trust*" means a trust
27 or similar legal instrument or device that meets the criteria
28 of 42 U.S.C. §1396p(d)(4)(A) or (C).

29 ~~8.~~ 9. "*Statewide average charge for state mental health*
30 *institute care*" means the statewide average charge for such
31 care as calculated by the department of ~~human services~~ and as
32 published in the Iowa administrative bulletin.

33 ~~9.~~ 10. "*Statewide average charge for nursing facility*
34 *services*" means the statewide average charge for such care,
35 excluding charges by Medicare-certified, skilled nursing

1 facilities, as calculated by the department of ~~human services~~
 2 and as published in the Iowa administrative bulletin.

3 ~~10.~~ 11. *"Statewide average charge to private-pay patients*
 4 *for psychiatric medical institutions for children care"* means
 5 the statewide average charge for such care as calculated by
 6 the department of ~~human services~~ and as published in the Iowa
 7 administrative bulletin.

8 ~~11.~~ 12. *"Total monthly income"* means in reference to a
 9 medical assistance income trust beneficiary, income received
 10 directly by the beneficiary, not from the trust, that counts
 11 as income in determining eligibility for medical assistance,
 12 income of the beneficiary received by the trust that would
 13 otherwise count as income in determining the beneficiary's
 14 eligibility for medical assistance, and income or earnings of
 15 the trust received by the trust.

16 Sec. 1285. Section 633C.5, Code 2023, is amended to read as
 17 follows:

18 **633C.5 Cooperation.**

19 1. The department of ~~human services~~ shall cooperate with
 20 the trustee of a medical assistance special needs trust or a
 21 medical assistance income trust in determining the appropriate
 22 disposition of the trust under sections 633C.2 and 633C.3.

23 2. The trustee of a medical assistance special needs trust
 24 or medical assistance income trust shall cooperate with the
 25 department of ~~human services~~ in supplying information regarding
 26 a trust established under this chapter.

27 Sec. 1286. Section 642.2, subsection 4, Code 2023, is
 28 amended to read as follows:

29 4. Notwithstanding subsections 2, 3, 6, and 7, any moneys
 30 owed to the child support obligor by the state, with the
 31 exception of unclaimed property held by the treasurer of
 32 state pursuant to chapter 556, and payments owed to the child
 33 support obligor through the Iowa public employees' retirement
 34 system are subject to garnishment, attachment, execution, or
 35 assignment by the child support ~~recovery unit~~ services if the

1 child support ~~recovery unit~~ services is providing enforcement
2 services pursuant to chapter 252B. Any moneys that are
3 determined payable by the treasurer pursuant to section 556.20,
4 subsection 2, to the child support obligor shall be subject
5 to setoff pursuant to section 8A.504, notwithstanding any
6 administrative rule pertaining to the child support ~~recovery~~
7 unit services limiting the amount of the offset.

8 Sec. 1287. Section 669.2, subsection 4, paragraph a, Code
9 2023, is amended to read as follows:

10 a. "*Employee of the state*" includes any one or more
11 officers, agents, or employees of the state or any state
12 agency, including members of the general assembly, and persons
13 acting on behalf of the state or any state agency in any
14 official capacity, temporarily or permanently in the service of
15 the state of Iowa, whether with or without compensation, but
16 does not include a contractor doing business with the state.
17 Professional personnel, including physicians, osteopathic
18 physicians and surgeons, osteopathic physicians, optometrists,
19 dentists, nurses, physician assistants, and other medical
20 personnel, who render services to patients or inmates of state
21 institutions under the jurisdiction of the department of health
22 and human services or the Iowa department of corrections,
23 and employees of the department of veterans affairs, are to
24 be considered employees of the state, whether the personnel
25 are employed on a full-time basis or render services on
26 a part-time basis on a fee schedule or other arrangement.
27 Criminal defendants while performing unpaid community service
28 ordered by the district court, board of parole, or judicial
29 district department of correctional services, or an inmate
30 providing services pursuant to a chapter 28E agreement entered
31 into pursuant to section 904.703, and persons supervising
32 those inmates under and according to the terms of the chapter
33 28E agreement, are to be considered employees of the state.
34 Members of the Iowa national guard performing duties in
35 a requesting state pursuant to section 29C.21 are to be

1 considered employees of the state solely for the purpose of
2 claims arising out of those duties in the event that the
3 requesting state's tort claims coverage does not extend to
4 such members of the Iowa national guard or is less than that
5 provided under Iowa law.

6 Sec. 1288. Section 674.3, Code 2023, is amended to read as
7 follows:

8 **674.3 Petition copy.**

9 A copy of the petition shall be filed by the clerk of court
10 with the ~~division for records and~~ state registrar of vital
11 statistics of the Iowa department of public health and human
12 services.

13 Sec. 1289. Section 674.7, Code 2023, is amended to read as
14 follows:

15 **674.7 Copy to Iowa department of public health and human**
16 **services.**

17 When the court grants a decree of change of name, the clerk
18 of the court shall furnish the petitioner with a certified copy
19 of the decree and mail an abstract of a decree requiring a name
20 change to be reflected on a birth certificate to the state
21 registrar of vital statistics of the Iowa department of public
22 health and human services on a form provided by the state
23 registrar.

24 Sec. 1290. Section 686D.2, subsection 11, paragraph e, Code
25 2023, is amended to read as follows:

26 e. Any state agency, including the department of public
27 health and human services.

28 Sec. 1291. Section 691.5, Code 2023, is amended to read as
29 follows:

30 **691.5 State medical examiner.**

31 The office and position of state medical examiner is
32 established for administrative purposes within the Iowa
33 department of public health and human services. Other state
34 agencies shall cooperate with the state medical examiner in
35 the use of state-owned facilities when appropriate for the

1 performance of nonadministrative duties of the state medical
 2 examiner. The state medical examiner shall be a physician
 3 and surgeon or osteopathic physician and surgeon, be licensed
 4 to practice medicine in the state of Iowa, and be board
 5 certified or eligible to be board certified in anatomic and
 6 forensic pathology by the American board of pathology. The
 7 state medical examiner shall be appointed by and serve at the
 8 pleasure of the director of ~~public~~ health and human services
 9 upon the advice of and in consultation with the director of
 10 public safety and the governor. The state medical examiner,
 11 in consultation with the director of ~~public~~ health and human
 12 services, shall be responsible for developing and administering
 13 the medical examiner's budget and for employment of medical
 14 examiner staff and assistants. The state medical examiner
 15 may be a faculty member of the university of Iowa college of
 16 medicine or the college of law at the university of Iowa, and
 17 any of the examiner's assistants or staff may be members of the
 18 faculty or staff of the university of Iowa college of medicine
 19 or the college of law at the university of Iowa.

20 Sec. 1292. Section 691.6, subsection 3, Code 2023, is
 21 amended to read as follows:

22 3. To adopt rules pursuant to chapter 17A and subject to the
 23 approval of the director of ~~public~~ health and human services.

24 Sec. 1293. Section 691.6, subsection 10, Code 2023, is
 25 amended by striking the subsection.

26 Sec. 1294. Section 691.6A, Code 2023, is amended to read as
 27 follows:

28 **691.6A Deputy state medical examiner — creation and duties.**

29 The position of deputy state medical examiner is created
 30 within the office of the state medical examiner. The deputy
 31 state medical examiner shall report to and be responsible to
 32 the state medical examiner. The deputy state medical examiner
 33 shall meet the qualification criteria established in section
 34 691.5 for the state medical examiner and shall be subject to
 35 rules adopted by the state medical examiner as provided in

1 section 691.6, subsection 3. The state medical examiner and
 2 the deputy state medical examiner shall function as a team,
 3 providing peer review as necessary, fulfilling each other's job
 4 responsibilities during times of absence, and working jointly
 5 to provide services and education to county medical examiners,
 6 law enforcement officials, hospital pathologists, and other
 7 individuals and entities. The deputy medical examiner may
 8 be, but is not required to be, a full-time salaried faculty
 9 member of the department of pathology of the university of Iowa
 10 college of medicine. If the medical examiner is a full-time
 11 salaried faculty member of the department of pathology of the
 12 university of Iowa college of medicine, the Iowa department
 13 of public health and human services and the state board of
 14 regents shall enter into a chapter 28E agreement to define the
 15 activities and functions of the deputy medical examiner, and
 16 to allocate deputy medical examiner costs, consistent with the
 17 requirements of this section.

18 Sec. 1295. Section 691.6B, subsection 1, paragraph b, Code
 19 2023, is amended to read as follows:

20 b. Advise the state medical examiner concerning the
 21 assurance of effective coordination of the functions and
 22 operations of the office of the state medical examiner with the
 23 needs and interests of the departments of public safety and
 24 public health and human services.

25 Sec. 1296. Section 691.6B, subsection 2, paragraph c, Code
 26 2023, is amended to read as follows:

27 c. The director of public health and human services or the
 28 director's designee.

29 Sec. 1297. Section 691.7, Code 2023, is amended to read as
 30 follows:

31 **691.7 Commissioner to accept federal or private grants.**

32 The commissioner of public safety may accept federal
 33 or private funds or grants to aid in the establishment or
 34 operation of the state criminalistics laboratory, and the
 35 director of public health and human services or the state board

1 of regents may accept federal or private funds or grants to
2 aid in the establishment or operation of the position of state
3 medical examiner.

4 Sec. 1298. Section 692.15, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. If it comes to the attention of a sheriff, police
7 department, or other law enforcement agency that a public
8 offense or delinquent act has been committed in its
9 jurisdiction, the law enforcement agency shall report
10 information concerning the public offense or delinquent act to
11 the department on a form to be furnished by the department not
12 more than thirty-five days from the time the public offense
13 or delinquent act first comes to the attention of the law
14 enforcement agency. The reports shall be used to generate
15 crime statistics. The department shall submit statistics to
16 the governor, the general assembly, and the ~~division of subunit~~
17 of the department of health and human services responsible for
18 criminal and juvenile justice planning ~~of the department of~~
19 ~~human rights~~ on a quarterly and yearly basis.

20 Sec. 1299. Section 707.6A, subsection 1D, Code 2023, is
21 amended to read as follows:

22 1D. Where the program is available and appropriate for
23 the defendant, the court shall also order the defendant to
24 participate in a reality education substance ~~abuse~~ use disorder
25 prevention program as provided in section 321J.24.

26 Sec. 1300. Section 708.3A, subsections 1, 2, 3, and 4, Code
27 2023, are amended to read as follows:

28 1. A person who commits an assault, as defined in section
29 708.1, against a peace officer, jailer, correctional staff,
30 member or employee of the board of parole, health care
31 provider, employee of the department of health and human
32 services, employee of the department of revenue, national
33 guard member engaged in national guard duty or state active
34 duty, civilian employee of a law enforcement agency, civilian
35 employee of a fire department, or fire fighter, whether paid

1 or volunteer, with the knowledge that the person against
2 whom the assault is committed is a peace officer, jailer,
3 correctional staff, member or employee of the board of parole,
4 health care provider, employee of the department of health and
5 human services, employee of the department of revenue, national
6 guard member engaged in national guard duty or state active
7 duty, civilian employee of a law enforcement agency, civilian
8 employee of a fire department, or fire fighter and with the
9 intent to inflict a serious injury upon the peace officer,
10 jailer, correctional staff, member or employee of the board
11 of parole, health care provider, employee of the department
12 of health and human services, employee of the department of
13 revenue, national guard member engaged in national guard duty
14 or state active duty, civilian employee of a law enforcement
15 agency, civilian employee of a fire department, or fire
16 fighter, is guilty of a class "D" felony.

17 2. A person who commits an assault, as defined in section
18 708.1, against a peace officer, jailer, correctional staff,
19 member or employee of the board of parole, health care
20 provider, employee of the department of health and human
21 services, employee of the department of revenue, national
22 guard member engaged in national guard duty or state active
23 duty, civilian employee of a law enforcement agency, civilian
24 employee of a fire department, or fire fighter, whether paid
25 or volunteer, who knows that the person against whom the
26 assault is committed is a peace officer, jailer, correctional
27 staff, member or employee of the board of parole, health care
28 provider, employee of the department of health and human
29 services, employee of the department of revenue, national
30 guard member engaged in national guard duty or state active
31 duty, civilian employee of a law enforcement agency, civilian
32 employee of a fire department, or fire fighter and who uses or
33 displays a dangerous weapon in connection with the assault, is
34 guilty of a class "D" felony.

35 3. A person who commits an assault, as defined in section

1 708.1, against a peace officer, jailer, correctional staff,
2 member or employee of the board of parole, health care
3 provider, employee of the department of health and human
4 services, employee of the department of revenue, national
5 guard member engaged in national guard duty or state active
6 duty, civilian employee of a law enforcement agency, civilian
7 employee of a fire department, or fire fighter, whether paid
8 or volunteer, who knows that the person against whom the
9 assault is committed is a peace officer, jailer, correctional
10 staff, member or employee of the board of parole, health care
11 provider, employee of the department of health and human
12 services, employee of the department of revenue, national
13 guard member engaged in national guard duty or state active
14 duty, civilian employee of a law enforcement agency, civilian
15 employee of a fire department, or fire fighter, and who causes
16 bodily injury or mental illness, is guilty of an aggravated
17 misdemeanor.

18 4. Any other assault, as defined in section 708.1, committed
19 against a peace officer, jailer, correctional staff, member
20 or employee of the board of parole, health care provider,
21 employee of the department of health and human services,
22 employee of the department of revenue, national guard member
23 engaged in national guard duty or state active duty, civilian
24 employee of a law enforcement agency, civilian employee of a
25 fire department, or fire fighter, whether paid or volunteer,
26 by a person who knows that the person against whom the assault
27 is committed is a peace officer, jailer, correctional staff,
28 member or employee of the board of parole, health care
29 provider, employee of the department of health and human
30 services, employee of the department of revenue, national
31 guard member engaged in national guard duty or state active
32 duty, civilian employee of a law enforcement agency, civilian
33 employee of a fire department, or fire fighter, is a serious
34 misdemeanor.

35 Sec. 1301. Section 708.3A, subsection 5, paragraph b, Code

1 2023, is amended to read as follows:

2 *b. "Employee of the department of health and human services"*
3 means a person who is an employee of an institution controlled
4 by the director of health and human services that is listed in
5 section 218.1, or who is an employee of the civil commitment
6 unit for sex offenders operated by the department of health and
7 human services. A person who commits an assault under this
8 section against an employee of the department of health and
9 human services at a department of health and human services
10 institution or unit is presumed to know that the person against
11 whom the assault is committed is an employee of the department
12 of health and human services.

13 Sec. 1302. Section 709.16, subsection 2, paragraph b,
14 subparagraphs (2) and (5), Code 2023, are amended to read as
15 follows:

16 (2) Institutions controlled by the department of health and
17 human services listed in section 218.1.

18 (5) Facilities for the treatment of persons with
19 ~~substance-related disorders~~ a substance use disorder as defined
20 in section 125.2.

21 Sec. 1303. Section 710.8, subsection 3, Code 2023, is
22 amended to read as follows:

23 3. A person shall not harbor a runaway child with the intent
24 of allowing the runaway child to remain away from home against
25 the wishes of the child's parent, guardian, or custodian.
26 However, the provisions of this subsection do not apply to
27 a shelter care home which is licensed or approved by the
28 department of health and human services.

29 Sec. 1304. Section 714G.8, subsection 5, Code 2023, is
30 amended to read as follows:

31 5. The department of health and human services or its agents
32 or assignees acting to investigate fraud under the medical
33 assistance program.

34 Sec. 1305. Section 715A.11, subsection 5, Code 2023, is
35 amended to read as follows:

1 5. A person who violates this section is guilty of a simple
 2 misdemeanor for a first offense and a serious misdemeanor for
 3 each subsequent offense. The court may require a substance
 4 ~~abuse~~ use disorder evaluation and treatment through a program
 5 licensed by the ~~Iowa~~ department of ~~public~~ health and human
 6 services in lieu of or in addition to other penalties. Any
 7 substance ~~abuse~~ use disorder evaluation required under this
 8 subsection shall be completed at the expense of the defendant.

9 Sec. 1306. Section 724.31, subsection 2, Code 2023, is
 10 amended to read as follows:

11 2. A person who is subject to the disabilities imposed
 12 by 18 U.S.C. §922(d)(4) and (g)(4) because of an order or
 13 judgment that occurred under the laws of this state may
 14 petition the court that issued the order or judgment or the
 15 court in the county where the person resides for relief from
 16 the disabilities imposed under 18 U.S.C. §922(d)(4) and (g)(4).
 17 A copy of the petition shall also be served on the director of
 18 health and human services and the county attorney at the county
 19 attorney's office of the county in which the original order
 20 occurred, and the director or the county attorney may appear,
 21 support, object to, and present evidence relevant to the relief
 22 sought by the petitioner.

23 Sec. 1307. Section 725.1, subsection 1, paragraph b, Code
 24 2023, is amended to read as follows:

25 **b.** If the person who sells or offers for sale the person's
 26 services as a partner in a sex act is under the age of eighteen,
 27 the county attorney may elect, in lieu of filing a petition
 28 alleging that the person has committed a delinquent act,
 29 to refer that person to the department of health and human
 30 services for the possible filing of a petition alleging that
 31 the person is a child in need of assistance.

32 Sec. 1308. Section 730.5, subsection 1, paragraph g, Code
 33 2023, is amended to read as follows:

34 **g.** *"Medical review officer"* means a licensed physician,
 35 osteopathic physician, chiropractor, nurse practitioner, or

1 physician assistant authorized to practice in any state of the
2 United States, who is responsible for receiving laboratory
3 results generated by an employer's drug or alcohol testing
4 program, and who has knowledge of substance ~~abuse~~ use disorders
5 and has appropriate medical training to interpret and evaluate
6 an individual's confirmed positive test result together
7 with the individual's medical history and any other relevant
8 biomedical information.

9 Sec. 1309. Section 730.5, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. *Testing optional.* This section does not require or
12 create a legal duty on an employer to conduct drug or alcohol
13 testing and the requirements of this section shall not be
14 construed to encourage, discourage, restrict, limit, prohibit,
15 or require such testing. In addition, an employer may
16 implement and require drug or alcohol testing at some but not
17 all of the work sites of the employer and the requirements of
18 this section shall only apply to the employer and employees who
19 are at the work sites where drug or alcohol testing pursuant to
20 this section has been implemented. A cause of action shall not
21 arise in favor of any person against an employer or agent of an
22 employer based on the failure of the employer to establish a
23 program or policy on substance ~~abuse~~ use disorder prevention
24 or to implement any component of testing as permitted by this
25 section.

26 Sec. 1310. Section 730.5, subsection 7, paragraph f, Code
27 2023, is amended to read as follows:

28 f. All confirmatory drug testing shall be conducted at a
29 laboratory certified by the United States department of health
30 and human services' substance abuse and mental health services
31 administration or approved under rules adopted by the Iowa
32 department of ~~public~~ health and human services.

33 Sec. 1311. Section 730.5, subsection 9, paragraph c,
34 subparagraph (2), Code 2023, is amended to read as follows:

35 (2) If an employer does not have an employee assistance

1 program, the employer must maintain a resource file of alcohol
2 and other ~~drug-abuse~~ substance use disorder programs certified
3 by the ~~Iowa~~ department of public health and human services,
4 mental health providers, and other persons, entities, or
5 organizations available to assist employees with personal or
6 behavioral problems. The employer shall provide all employees
7 information about the existence of the resource file and a
8 summary of the information contained within the resource file.
9 The summary should contain, but need not be limited to, all
10 information necessary to access the services listed in the
11 resource file.

12 Sec. 1312. Section 730.5, subsection 9, paragraph g,
13 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
14 to read as follows:

15 Upon receipt of a confirmed positive alcohol test
16 which indicates an alcohol concentration greater than the
17 concentration level established by the employer pursuant to
18 this section, and if the employer has at least fifty employees,
19 and if the employee has been employed by the employer for
20 at least twelve of the preceding eighteen months, and if
21 rehabilitation is agreed upon by the employee, and if the
22 employee has not previously violated the employer's substance
23 ~~abuse~~ use disorder prevention policy pursuant to this section,
24 the written policy shall provide for the rehabilitation of the
25 employee pursuant to subsection 10, paragraph "a", subparagraph
26 (1), and the apportionment of the costs of rehabilitation as
27 provided by this paragraph "g".

28 Sec. 1313. Section 730.5, subsection 9, paragraph h, Code
29 2023, is amended to read as follows:

30 *h.* In order to conduct drug or alcohol testing under this
31 section, an employer shall require supervisory personnel of
32 the employer involved with drug or alcohol testing under this
33 section to attend a minimum of two hours of initial training
34 and to attend, on an annual basis thereafter, a minimum of one
35 hour of subsequent training. The training shall include, but

1 is not limited to, information concerning the recognition of
 2 evidence of employee alcohol and other ~~drug-abuse~~ substance
 3 use disorder, the documentation and corroboration of employee
 4 alcohol and other ~~drug-abuse~~ substance use disorder, and the
 5 referral of employees ~~who abuse alcohol or other drugs with a~~
 6 substance use disorder to the employee assistance program or
 7 to the resource file maintained by the employer pursuant to
 8 paragraph "c", subparagraph (2).

9 Sec. 1314. Section 730.5, subsection 11, paragraph d, Code
 10 2023, is amended to read as follows:

11 d. Termination or suspension of any substance ~~abuse~~ use
 12 disorder prevention or testing program or policy.

13 Sec. 1315. Section 730.5, subsection 12, paragraph b,
 14 subparagraph (1), Code 2023, is amended to read as follows:

15 (1) The employer discloses the test results to a person
 16 other than the employer, an authorized employee, agent, or
 17 representative of the employer, the tested employee or the
 18 tested applicant for employment, an authorized substance ~~abuse~~
 19 use disorder treatment program or employee assistance program,
 20 or an authorized agent or representative of the tested employee
 21 or applicant.

22 Sec. 1316. Section 730.5, subsection 13, paragraph d,
 23 subparagraph (1), subparagraph division (e), Code 2023, is
 24 amended to read as follows:

25 (e) To a substance ~~abuse~~ use disorder evaluation or
 26 treatment facility or professional for the purpose of
 27 evaluation or treatment of the employee.

28 Sec. 1317. Section 730.5, subsection 16, Code 2023, is
 29 amended to read as follows:

30 16. *Reports.* A laboratory doing business for an employer
 31 who conducts drug or alcohol tests pursuant to this section
 32 shall file an annual report with the ~~Iowa~~ department of ~~public~~
 33 health and human services by March 1 of each year concerning
 34 the number of drug or alcohol tests conducted on employees who
 35 work in this state pursuant to this section, and the number

1 of positive and negative results of the tests, during the
2 previous calendar year. In addition, the laboratory shall
3 include in its annual report the specific basis for each test
4 as authorized in subsection 8, the type of drug or drugs which
5 were found in the positive drug tests, and all significant
6 available demographic factors relating to the positive test
7 pool.

8 Sec. 1318. Section 804.31, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. When a person is detained for questioning or arrested
11 for an alleged violation of a law or ordinance and there is
12 reason to believe that the person is deaf or hard-of-hearing,
13 the peace officer making the arrest or taking the person
14 into custody or any other officer detaining the person shall
15 determine if the person is a deaf or hard-of-hearing person as
16 defined in section 622B.1. If the officer so determines, the
17 officer, at the earliest possible time and prior to commencing
18 any custodial interrogation of the person, shall procure a
19 qualified interpreter in accordance with section 622B.2 and the
20 rules adopted by the supreme court under section 622B.1 unless
21 the deaf or hard-of-hearing person knowingly, voluntarily,
22 and intelligently waives the right to an interpreter in
23 writing by executing a form prescribed by the department of
24 health and human rights services and the Iowa county attorneys
25 association. The interpreter shall interpret the officer's
26 warnings of constitutional rights and protections and all other
27 warnings, statements, and questions spoken or written by any
28 officer, attorney, or other person present and all statements
29 and questions communicated in sign language by the deaf or
30 hard-of-hearing person.

31 Sec. 1319. Section 811.2, subsection 1, paragraph b, Code
32 2023, is amended to read as follows:

33 b. Any bailable defendant who is charged with unlawful
34 possession, manufacture, delivery, or distribution of a
35 controlled substance or other drug under chapter 124 and is

1 ordered released shall be required, as a condition of that
2 release, to submit to a substance ~~abuse~~ use disorder evaluation
3 and follow any recommendations proposed in the evaluation for
4 appropriate substance ~~abuse~~ use disorder treatment. However,
5 if a bailable defendant is charged with manufacture, delivery,
6 possession with the intent to manufacture or deliver, or
7 distribution of methamphetamine, its salts, optical isomers,
8 and salts of its optical isomers, the defendant shall, in
9 addition to a substance ~~abuse~~ use disorder evaluation, remain
10 under supervision and be required to undergo random drug tests
11 as a condition of release.

12 Sec. 1320. Section 812.6, subsection 2, paragraph b, Code
13 2023, is amended to read as follows:

14 b. A defendant who does not pose a danger to the public
15 peace or safety, but is otherwise being held in custody, or
16 who refuses to cooperate with treatment, shall be committed to
17 the custody of the director of health and human services at a
18 department of health and human services facility for treatment
19 designed to restore the defendant to competency. The costs of
20 the treatment pursuant to this paragraph shall be borne by the
21 department of health and human services.

22 Sec. 1321. Section 901.3, subsection 1, paragraph h, Code
23 2023, is amended to read as follows:

24 h. Whether the defendant has a history of mental health
25 issues or a substance ~~abuse~~ problems use disorder. If so, the
26 investigator shall inquire into the treatment options available
27 in both the community of the defendant and the correctional
28 system.

29 Sec. 1322. Section 901.3, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. All local and state mental and correctional
32 institutions, courts, and police agencies shall furnish to the
33 investigator on request the defendant's criminal record and
34 other relevant information. The originating source of specific
35 mental health or substance ~~abuse~~ use disorder information

1 including the histories, treatment, and use of medications
2 shall not be released to the presentence investigator unless
3 the defendant authorizes the release of such information.
4 If the defendant refuses to release the information, the
5 presentence investigator may note the defendant's refusal
6 to release mental health or substance ~~abuse~~ use disorder
7 information in the presentence investigation report and rely
8 upon other mental health or substance ~~abuse~~ use disorder
9 information available to the presentence investigator.
10 With the approval of the court, a physical examination or
11 psychiatric evaluation of the defendant may be ordered, or
12 the defendant may be committed to an inpatient or outpatient
13 psychiatric facility for an evaluation of the defendant's
14 personality and mental health. The results of any such
15 examination or evaluation shall be included in the report of
16 the investigator.

17 Sec. 1323. Section 901.4, Code 2023, is amended to read as
18 follows:

19 **901.4 Presentence investigation report confidential —**
20 **access.**

21 The presentence investigation report is confidential and the
22 court shall provide safeguards to ensure its confidentiality,
23 including but not limited to sealing the report, which may
24 be opened only by further court order. The defendant's
25 attorney and the attorney for the state shall have access to
26 the presentence investigation report at least three days prior
27 to the date set for sentencing. The defendant's appellate
28 attorney and the appellate attorney for the state shall have
29 access to the presentence investigation report upon request
30 and without the necessity of a court order. The report shall
31 remain confidential except upon court order. However, the
32 court may conceal the identity of the person who provided
33 confidential information. The report of a medical examination
34 or psychological or psychiatric evaluation shall be made
35 available to the attorney for the state and to the defendant

1 upon request. The reports are part of the record but shall
2 be sealed and opened only on order of the court. If the
3 defendant is committed to the custody of the Iowa department
4 of corrections and is not a class "A" felon, an employee
5 of the department, if authorized by the director of the
6 department, an employee of a judicial district department
7 of correctional services, if authorized by the director of
8 the judicial district department of correctional services,
9 and an employee of the board of parole, if authorized by the
10 chairperson or a member of the board of parole, shall have
11 access to the presentence investigation report. Pursuant to
12 section 904.602, the presentence investigation report may also
13 be released by ordinary or electronic mail by the department of
14 corrections or a judicial district department of correctional
15 services to another jurisdiction for the purpose of providing
16 interstate probation and parole compact or interstate compact
17 for adult offender supervision services or evaluations, or
18 to a substance ~~abuse~~ use disorder or mental health services
19 provider when referring a defendant for services. The
20 defendant or the defendant's attorney may file with the
21 presentence investigation report, a denial or refutation of the
22 allegations, or both, contained in the report. The denial or
23 refutation shall be included in the report.

24 Sec. 1324. Section 901.4A, Code 2023, is amended to read as
25 follows:

26 **901.4A Substance ~~abuse~~ use disorder evaluation.**

27 Upon a plea of guilty, a verdict of guilty, or a special
28 verdict upon which a judgment of conviction may be rendered,
29 the court may order the defendant to submit to and complete
30 a substance ~~abuse~~ use disorder evaluation, if the court
31 determines that there is reason to believe that the defendant
32 regularly ~~abuses~~ uses alcohol or other controlled substances
33 and may be in need of treatment. An order made pursuant to this
34 section may be made in addition to any other sentence or order
35 of the court.

1 Sec. 1325. Section 901.5, subsection 8, Code 2023, is
2 amended to read as follows:

3 8. The court may order the defendant to complete any
4 treatment indicated by a substance ~~abuse~~ use disorder
5 evaluation ordered pursuant to section 901.4A or any other
6 section.

7 Sec. 1326. Section 901B.1, subsection 1, paragraph c,
8 subparagraph (5), Code 2023, is amended to read as follows:

9 (5) A substance ~~abuse~~ use disorder treatment facility
10 as established and operated by the ~~Iowa~~ department of ~~public~~
11 health and human services or the department of corrections.

12 Sec. 1327. Section 901B.1, subsection 3, paragraph c, Code
13 2023, is amended to read as follows:

14 c. A copy of the program and plan shall be filed with
15 the chief judge of the judicial district, the department of
16 corrections, and the ~~division of~~ subunit of the department of
17 health and human services responsible for criminal and juvenile
18 justice planning of the department of human rights.

19 Sec. 1328. Section 904.108, subsection 1, paragraph d, Code
20 2023, is amended to read as follows:

21 d. Establish and maintain acceptable standards of treatment,
22 training, education, and rehabilitation in the various
23 state penal and corrective institutions which shall include
24 habilitative services and treatment for offenders with an
25 intellectual disability. For the purposes of this paragraph,
26 "*habilitative services and treatment*" means medical, mental
27 health, social, educational, counseling, and other services
28 which will assist a person with an intellectual disability
29 to become self-reliant. However, the director may also
30 provide rehabilitative treatment and services to other persons
31 who require the services. The director shall identify all
32 individuals entering the correctional system who are persons
33 with an intellectual disability, as defined in section 4.1.
34 Identification shall be made by a qualified professional in the
35 area of intellectual disability. In assigning an offender with

1 an intellectual disability, or an offender with an inadequately
2 developed intelligence or with impaired mental abilities, to
3 a correctional facility, the director shall consider both
4 the program needs and the security needs of the offender.
5 The director shall consult with the department of health
6 and human services in providing habilitative services and
7 treatment to offenders with mental illness or an intellectual
8 disability. The director may enter into agreements with the
9 department of health and human services to utilize mental
10 health institutions and share staff and resources for purposes
11 of providing habilitative services and treatment, as well as
12 providing other special needs programming. Any agreement to
13 utilize mental health institutions and to share staff and
14 resources shall provide that the costs of the habilitative
15 services and treatment shall be paid from state funds. Not
16 later than twenty days prior to entering into any agreement
17 to utilize mental health institution staff and resources,
18 other than the use of a building or facility, for purposes of
19 providing habilitative services and treatment, as well as other
20 special needs programming, the directors of the departments of
21 corrections and health and human services shall each notify the
22 chairpersons and ranking members of the joint appropriations
23 subcommittees that last handled the appropriation for their
24 respective departments of the pending agreement. Use of a
25 building or facility shall require approval of the general
26 assembly if the general assembly is in session or, if the
27 general assembly is not in session, the legislative council
28 may grant temporary authority, which shall be subject to final
29 approval of the general assembly during the next succeeding
30 legislative session.

31 Sec. 1329. Section 904.108, subsection 5, Code 2023, is
32 amended to read as follows:

33 5. The director may obtain assistance for the department
34 for construction, facility planning, and project accomplishment
35 with the department of administrative services and by

1 contracting under chapter 28E for data processing with the
2 department of health and human services or the department of
3 administrative services.

4 Sec. 1330. Section 904.201, subsection 3, paragraph a,
5 subparagraph (1), Code 2023, is amended to read as follows:

6 (1) Residents transferred from an institution under the
7 jurisdiction of the department of health and human services or
8 the Iowa department of corrections.

9 Sec. 1331. Section 904.302, unnumbered paragraph 1, Code
10 2023, is amended to read as follows:

11 The director may appoint a farm operations administrator
12 for institutions under the control of the departments of
13 corrections and health and human services. If appointed, the
14 farm operations administrator, subject to the direction of the
15 director shall do all of the following:

16 Sec. 1332. Section 904.302, subsections 1, 3, and 8, Code
17 2023, are amended to read as follows:

18 1. Manage and supervise all farming and nursery operations
19 at institutions, farms and gardens of the departments of
20 corrections and health and human services.

21 3. Develop an annual operations plan for crop and
22 livestock production and utilization that will provide work
23 experience and contribute to developing vocational skills of
24 the institutions' inmates and residents. The department of
25 health and human services must approve the parts of the plan
26 that affect farm operations on property of institutions having
27 programs of the department of health and human services.

28 8. Pay property taxes levied against land leased by the
29 department of corrections or department of health and human
30 services as provided in section 427.1, subsection 1.

31 Sec. 1333. Section 904.503, Code 2023, is amended to read
32 as follows:

33 **904.503 Transfers — persons with mental illness.**

34 1. a. The director may transfer at the expense of the
35 department an inmate of one institution to another institution

1 under the director's control if the director is satisfied that
2 the transfer is in the best interests of the institutions or
3 inmates.

4 **b.** The director may transfer at the expense of the
5 department an inmate under the director's jurisdiction from any
6 institution supervised by the director to another institution
7 under the control of ~~an administrator of a division of the~~
8 ~~department~~ director of health and human services with the
9 consent and approval of the ~~administrator~~ director of health
10 and human services and may transfer an inmate to any other
11 institution for mental or physical examination or treatment
12 retaining jurisdiction over the inmate when so transferred.

13 **c.** If the juvenile court waives its jurisdiction over a
14 child over thirteen and under eighteen years of age pursuant
15 to section 232.45 so that the child may be prosecuted as an
16 adult and if the child is convicted of a public offense in the
17 district court and committed to the custody of the director
18 under section 901.7, the director may request transfer of the
19 child to the state training school under this section. If
20 the ~~administrator of a division of the department~~ director of
21 health and human services consents and approves the transfer,
22 the child may be retained in temporary custody by the state
23 training school until attaining the age of eighteen, at which
24 time the child shall be returned to the custody of the director
25 of the department of corrections to serve the remainder of
26 the sentence imposed by the district court. If the child
27 becomes a security risk or becomes a danger to other residents
28 of the state training school at any time before reaching
29 eighteen years of age, the ~~administrator of the division of~~
30 ~~the department~~ director of health and human services may
31 immediately return the child to the custody of the director of
32 the department of corrections to serve the remainder of the
33 sentence.

34 **2.** When the director has cause to believe that an inmate
35 in a state correctional institution is mentally ill, the

1 Iowa department of corrections may cause the inmate to be
2 transferred to the Iowa medical and classification center,
3 or to another appropriate facility within the department,
4 for examination, diagnosis, or treatment. The inmate shall
5 be confined at that center or facility or a state hospital
6 ~~for persons with mental illness~~ health institute until the
7 expiration of the inmate's sentence or until the inmate
8 is pronounced in good mental health. If the inmate is
9 pronounced in good mental health before the expiration of the
10 inmate's sentence, the inmate shall be returned to the state
11 correctional institution until the expiration of the inmate's
12 sentence.

13 3. When the director has reason to believe that a prisoner
14 in a state correctional institution, whose sentence has
15 expired, is mentally ill, the director shall cause examination
16 to be made of the prisoner by competent physicians who shall
17 certify to the director whether the prisoner is in good
18 mental health or mentally ill. The director may make further
19 investigation and if satisfied that the prisoner is mentally
20 ill, the director may cause the prisoner to be transferred
21 to one of the hospitals for persons with mental illness, or
22 may order the prisoner to be confined in the Iowa medical and
23 classification center.

24 Sec. 1334. Section 904.513, subsection 1, paragraph b,
25 subparagraphs (2) and (3), Code 2023, are amended to read as
26 follows:

27 (2) Offenders convicted of violating chapter 321J,
28 sentenced to the custody of the director, and awaiting
29 placement in a community residential substance ~~abuse~~ use
30 disorder treatment program for such offenders shall be placed
31 in an institutional substance ~~abuse~~ use disorder program
32 for such offenders within sixty days of admission to the
33 institution or as soon as practical. When placing offenders
34 convicted of violating chapter 321J in community residential
35 substance ~~abuse~~ use disorder treatment programs for such

1 offenders, the department shall give priority as appropriate
2 to the placement of those offenders currently in institutional
3 substance ~~abuse~~ use disorder programs for such offenders. The
4 department shall work with each judicial district to enable
5 such offenders to enter community residential substance ~~abuse~~
6 use disorder treatment programs at a level comparable to their
7 prior institutional program participation.

8 (3) Assignment shall be for the purposes of risk
9 management and substance ~~abuse~~ use disorder treatment and may
10 include education or work programs when the offender is not
11 participating in other program components.

12 Sec. 1335. Section 904.513, subsection 3, Code 2023, is
13 amended to read as follows:

14 3. The department shall adopt rules for the implementation
15 of this section. The rules shall include the requirement
16 that the treatment programs established pursuant to this
17 chapter meet the licensure standards of the department of
18 ~~public~~ health and human services under chapter 125. The rules
19 shall also include provisions for the funding of the program
20 by means of self-contribution by the offenders, insurance
21 reimbursement on behalf of offenders, or other forms of
22 funding, program structure, criteria for the evaluation of
23 offenders and programs, and all other issues the director shall
24 deem appropriate.

25 Sec. 1336. Section 904.514, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. A person committed to an institution under the control of
28 the department who bites another person, who causes an exchange
29 of bodily fluids with another person, or who causes any bodily
30 secretion to be cast upon another person, shall submit to the
31 withdrawal of a bodily specimen for testing to determine if the
32 person is infected with a contagious infectious disease. The
33 bodily specimen to be taken shall be determined by the staff
34 physician of the institution. The specimen taken shall be
35 sent to the state hygienic laboratory ~~at the state university~~

1 ~~at Iowa City~~ or some other laboratory approved by the ~~Iowa~~
 2 department of ~~public~~ health and human services. If a person
 3 to be tested pursuant to this section refuses to submit to the
 4 withdrawal of a bodily specimen, application may be made by the
 5 superintendent of the institution to the district court for an
 6 order compelling the person to submit to the withdrawal and,
 7 if infected, to available treatment. An order authorizing the
 8 withdrawal of a specimen for testing may be issued only by a
 9 district judge or district associate judge upon application by
 10 the superintendent of the institution.

11 Sec. 1337. Section 904.706, subsections 3, 4, and 5, Code
 12 2023, are amended to read as follows:

13 3. As used in this section, "*department*" means the ~~Iowa~~
 14 department of corrections and the ~~Iowa~~ department of health and
 15 human services.

16 4. The farm operations administrator appointed under
 17 section 904.302 shall perform the functions described under
 18 section 904.302 for agricultural operations on property of the
 19 ~~Iowa~~ department of health and human services.

20 5. The ~~Iowa~~ department of health and human services shall
 21 enter into an agreement under chapter 28D with the Iowa
 22 department of corrections to implement this section.

23 Sec. 1338. Section 904.809, subsection 5, paragraph c,
 24 subparagraph (1), Code 2023, is amended to read as follows:

25 (1) An amount which the inmate may be legally obligated to
 26 pay for the support of the inmate's dependents, which shall
 27 be paid through the department of health and human services
 28 collection services center, and which shall include an amount
 29 for delinquent child support not to exceed fifty percent of net
 30 earnings.

31 Sec. 1339. Section 904.905, subsection 1, paragraph a, Code
 32 2023, is amended to read as follows:

33 a. An amount the inmate may be legally obligated to pay for
 34 the support of the inmate's dependents, the amount of which
 35 shall be paid to the dependents through the department of

1 ~~health and human services office or unit serving the county or~~
2 ~~city in which the dependents reside.~~

3 Sec. 1340. Section 905.12, subsection 1, paragraph a, Code
4 2023, is amended to read as follows:

5 a. An amount the resident may be legally obligated to pay
6 for the support of dependents, which shall be paid to the
7 dependents directly or through the department of health and
8 human services office or unit serving the county in which the
9 dependents reside. For the purpose of this paragraph, "*legally*
10 *obligated*" means under a court order.

11 Sec. 1341. Section 905.15, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. A person under supervision of a district department, who
14 assaults another person as defined in section 708.1, by biting,
15 casting bodily fluids, or acting in a manner that results in
16 the exchange of bodily fluids, shall submit to the withdrawal
17 of a bodily specimen for testing to determine if the person
18 is infected with a contagious infectious disease. The bodily
19 specimen to be taken shall be determined by a physician. The
20 specimen taken shall be sent to the state hygienic laboratory
21 ~~at the state university at Iowa City~~ or some other laboratory
22 approved by the department of public health and human services.
23 If a person to be tested pursuant to this section refuses to
24 submit to the withdrawal of a bodily specimen, application may
25 be made by the director to the district court for an order
26 compelling the person to submit to the withdrawal and, if
27 infected, to available treatment. An order authorizing the
28 withdrawal of a specimen for testing may be issued only by a
29 district judge or district associate judge upon application by
30 the director.

31 Sec. 1342. Section 907.5, subsection 1, paragraph e, Code
32 2023, is amended to read as follows:

33 e. The defendant's mental health and substance ~~abuse~~
34 use disorder history and treatment options available in the
35 community and the correctional system.

1 Sec. 1343. Section 915.29, Code 2023, is amended to read as
2 follows:

3 **915.29 Notification of victim of juvenile by department of**
4 **health and human services.**

5 1. The department of health and human services shall notify
6 a registered victim regarding a juvenile adjudicated delinquent
7 for a violent crime, committed to the custody of the department
8 of health and human services, and placed at the state training
9 school, of the following:

10 a. The date on which the juvenile is expected to be
11 temporarily released from the custody of the department of
12 health and human services, and whether the juvenile is expected
13 to return to the community where the registered victim resides.

14 b. The juvenile's escape from custody.

15 c. The recommendation by the department to consider the
16 juvenile for release or placement.

17 d. The date on which the juvenile is expected to be released
18 from a facility pursuant to a plan of placement.

19 2. The notification required pursuant to this section
20 may occur through the automated victim notification system
21 referred to in section 915.10A to the extent such information
22 is available for dissemination through the system.

23 Sec. 1344. Section 915.35, subsection 4, Code 2023, is
24 amended to read as follows:

25 4. a. A child protection assistance team involving the
26 county attorney, law enforcement personnel, and personnel
27 of the department of health and human services shall be
28 established for each county by the county attorney. However,
29 by mutual agreement, two or more county attorneys may
30 establish a single child protection assistance team to cover a
31 multicounty area. A child protection assistance team, to the
32 greatest extent possible, may be consulted in cases involving a
33 forcible felony against a child who is less than age fourteen
34 in which the suspected offender is the person responsible
35 for the care of a child, as defined in section 232.68. A

1 child protection assistance team may also be utilized in cases
 2 involving a violation of chapter 709 or 726 or other crime
 3 committed upon a victim as defined in subsection 1.

4 **b.** A child protection assistance team may also consult
 5 with or include juvenile court officers, medical and mental
 6 health professionals, physicians or other hospital-based health
 7 professionals, court-appointed special advocates, guardians
 8 ad litem, and members of a multidisciplinary team created by
 9 the department of health and human services for child abuse
 10 ~~investigations~~ assessments. A child protection assistance
 11 team may work cooperatively with the early childhood Iowa area
 12 board established under chapter 256I. The child protection
 13 assistance team shall work with the department of health and
 14 human services in accordance with section 232.71B, subsection
 15 3, in developing the protocols for prioritizing the actions
 16 taken in response to child abuse assessments and for law
 17 enforcement agencies working jointly with the department at
 18 the local level in processes for child abuse assessments. The
 19 department of justice may provide training and other assistance
 20 to support the activities of a child protection assistance
 21 team.

22 Sec. 1345. Section 915.37, subsection 2, Code 2023, is
 23 amended to read as follows:

24 2. References in this section to a guardian ad litem shall
 25 be interpreted to include references to a court appointed
 26 special advocate as defined in section 232.2, ~~subsection 10.~~

27 Sec. 1346. Section 915.40, subsection 5, Code 2023, is
 28 amended to read as follows:

29 5. "*Department*" means the Iowa department of ~~public~~ health
 30 and human services.

31 Sec. 1347. Section 915.45, subsection 1, Code 2023, is
 32 amended to read as follows:

33 1. In addition to any other information required to be
 34 released under chapter 229A, prior to the discharge of a person
 35 committed under chapter 229A, the director of health and human

1 services shall give written notice of the person's discharge
2 to any living victim of the person's activities or crime whose
3 address is known to the director or, if the victim is deceased,
4 to the victim's family, if the family's address is known.
5 Failure to notify shall not be a reason for postponement of
6 discharge. Nothing in this section shall create a cause of
7 action against the state or an employee of the state acting
8 within the scope of the employee's employment as a result of
9 the failure to notify pursuant to this action.

10 Sec. 1348. Section 915.46, subsection 4, paragraph b, Code
11 2023, is amended to read as follows:

12 b. The sexual assault forensic examiner program shall
13 provide didactic and clinical training opportunities consistent
14 with the sexual assault forensic examiner education guidelines
15 established by the international association of forensic
16 nurses, in collaboration with the ~~Iowa~~ department of ~~public~~
17 health and human services and the Iowa coalition against sexual
18 assault, in sufficient numbers and geographical locations
19 across the state to assist treatment facilities with training
20 sexual assault examiners and sexual assault nurse examiners.

21 Sec. 1349. Section 915.46, subsections 5 and 6, Code 2023,
22 are amended to read as follows:

23 5. The sexual assault forensic examiner program, in
24 collaboration with qualified medical providers, the ~~Iowa~~
25 department of ~~public~~ health and human services, and the
26 Iowa coalition against sexual assault, shall create uniform
27 materials that all treatment facilities and federally
28 qualified health centers are required to provide to patients
29 and non-offending parents or legal guardians, if applicable,
30 regarding medical forensic examination procedures, laws
31 regarding consent relating to medical forensic services, and
32 the benefits and risks of evidence collection, including
33 recommended time frames for evidence collection pursuant
34 to evidence-based research. These materials shall be made
35 available on the department of justice's internet site to all

1 treatment facilities and federally qualified health centers.

2 6. The sexual assault forensic examiner program, in
3 collaboration with qualified medical providers, the Iowa
4 department of ~~public~~ health and human services, and the Iowa
5 coalition against sexual assault, shall create and update
6 statewide sexual assault examiner and sexual assault nurse
7 examiner protocols, shall provide technical assistance upon
8 request to health care professionals, and shall provide
9 expertise on best practices to health care professionals
10 relating to sexual assault forensic examinations.

11 Sec. 1350. Section 915.46, subsection 7, paragraph b, Code
12 2023, is amended to read as follows:

13 b. Members of the advisory committee shall include staff
14 members of the department of justice managing the sexual
15 assault forensic examiner program; representatives from the
16 department of ~~public~~ health and human services as determined
17 by the director to be appropriate, the Iowa coalition against
18 sexual assault, the board of nursing, and other constituencies
19 as determined by the department of justice with an interest in
20 sexual assault forensic examinations; and the hospital medical
21 staff person involved with emergency services pursuant to
22 section 915.82.

23 Sec. 1351. Section 915.83, subsection 4, Code 2023, is
24 amended to read as follows:

25 4. Request from the department of health and human services,
26 the department of workforce development and its division of
27 workers' compensation, the department of public safety, the
28 county sheriff departments, the municipal police departments,
29 the county attorneys, or other public authorities or agencies
30 reasonable assistance or data necessary to administer the crime
31 victim compensation program.

32 Sec. 1352. Section 915.84, subsections 4, 5, and 6, Code
33 2023, are amended to read as follows:

34 4. Notwithstanding subsection 3, a victim under the age of
35 eighteen or dependent adult as defined in section 235B.2 who

1 has been sexually abused or subjected to any other unlawful
2 sexual conduct under chapter 709 or 726 or who has been
3 the subject of a forcible felony is not required to report
4 the crime to the local police department or county sheriff
5 department to be eligible for compensation if the crime was
6 allegedly committed upon a child by a person responsible for
7 the care of a child, as defined in section 232.68, subsection
8 8, or upon a dependent adult by a caretaker as defined
9 in section 235B.2, and was reported to an employee of the
10 department of health and human services and the employee
11 verifies the report to the department.

12 5. When immediate or short-term medical services or mental
13 health services are provided to a victim under section 915.35,
14 the department of health and human services shall file the
15 claim for compensation as provided in subsection 4 for the
16 victim.

17 6. When immediate or short-term medical services to a victim
18 are provided pursuant to section 915.35 by a professional
19 licensed or certified by the state to provide such services,
20 the professional shall file the claim for compensation,
21 unless the department of health and human services is required
22 to file the claim under this section. The requirement to
23 report the crime to the local police department or county
24 sheriff department under subsection 3 does not apply to this
25 subsection.

26 Sec. 1353. 2020 Iowa Acts, chapter 1064, section 16,
27 subsection 1, paragraph d, subparagraph (1), is amended to read
28 as follows:

29 (1) Any debt, which is assigned to the department of health
30 and human services, or which is owed to the department of
31 health and human services for unpaid premiums under section
32 249A.3, subsection 2, paragraph "a", subparagraph (1), or
33 which ~~the child support recovery unit~~ services is otherwise
34 attempting to collect, or which ~~the foster care recovery unit~~
35 services of the department of health and human services is

1 attempting to collect on behalf of a child receiving foster
2 care provided by the department of health and human services.

3 Sec. 1354. 2022 Iowa Acts, chapter 1098, section 92,
4 subsection 1, is amended by striking the subsection.

5 Sec. 1355. REPEAL. Chapter 136, Code 2023, is repealed.

6 Sec. 1356. REPEAL. 2022 Iowa Acts, chapter 1098, section
7 68, is repealed.

8 Sec. 1357. REPEAL. Sections 135.2, 135.3, 135.6, 135.7,
9 135.8, 135.9, 135.10, 216A.2, 217.7, 217.9, 217.10, 217.15,
10 217.16, 217.17, 218.19, 218.20, 218.40, 218.53, 218.54, 222.6,
11 227.19, 231.22, and 234.2, Code 2023, are repealed.

12 Sec. 1358. CODE EDITOR DIRECTIVE. The Code editor is
13 directed to do all of the following:

14 1. Make changes in the structure of any Code chapter
15 including but not limited to chapter titles and subtitles to
16 correspond with the changes made in this division of this
17 Act in consultation with the department of health and human
18 services.

19 2. Make changes in any Code sections amended or enacted
20 by any other Act to correspond with the changes made in this
21 division of this Act if there appears to be no doubt as to
22 the proper method of making the changes and the changes would
23 not be contrary to or inconsistent with the purposes of this
24 division of this Act or any other Act.

25 3. Correct internal references in the Code and in enacted
26 legislation as necessary due to the enactment of this division
27 of this Act.

28 Sec. 1359. CONTINGENT EFFECTIVE DATE. The following takes
29 effect on the effective date of the rules adopted by the
30 department of revenue pursuant to chapter 17A implementing 2020
31 Iowa Acts, chapter 1064, other than transitional rules:

32 The section of this division of this Act amending 2020 Iowa
33 Acts, chapter 1064.

34 DIVISION II

35 DEPARTMENT OF ADMINISTRATIVE SERVICES

LIBRARY SERVICES

Sec. 1360. NEW SECTION. **8A.204 State librarian.**

1. The director shall appoint the state librarian who shall administer the duties of the department as it relates to library services.

2. The state librarian shall do all of the following:

a. Organize, staff, and administer the department as it relates to library services so as to render the greatest benefit to libraries in the state.

b. Submit a biennial report to the governor on the activities and an evaluation of the department as it relates to library services and its programs and policies.

c. Control all library services-related property of the department. The state librarian may dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the state library of Iowa. These materials may be sold by the state library directly or the library may sell the materials by consignment with an outside entity. A state library fund is created in the state treasury. Proceeds from the sale of the library materials shall be remitted to the treasurer of state and credited to the state library fund and shall be used for the purchase of books and other library materials. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

d. Perform other duties as assigned by the director or as imposed by law.

Sec. 1361. Section 256.1, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 1362. Section 256.7, subsection 17, Code 2023, is amended by striking the subsection.

Sec. 1363. Section 256.50, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 1364. Section 256.51, subsection 1, unnumbered

1 paragraph 1, Code 2023, is amended to read as follows:

2 ~~The division of library services is attached to the~~
 3 ~~department of education for administrative purposes. The state~~
 4 ~~librarian shall be responsible for the division's budgeting~~
 5 ~~and related management functions in accordance with section~~
 6 ~~256.52, subsection 3. The division department, as it relates~~
 7 ~~to library services, shall do all of the following:~~

8 Sec. 1365. Section 256.51, subsection 1, paragraph e, Code
 9 2023, is amended to read as follows:

10 e. Develop and approve, in consultation with the area
 11 education agency media centers and the commission, a biennial
 12 unified plan of service and service delivery for the ~~division~~
 13 ~~of library services~~ department.

14 Sec. 1366. Section 256.51, subsection 1, Code 2023, is
 15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. m. Provide for the improvement of library
 17 services to all Iowa citizens and foster development and
 18 cooperation among libraries.

19 Sec. 1367. Section 256.51, subsection 2, Code 2023, is
 20 amended to read as follows:

21 2. The ~~division~~ department, as it relates to library
 22 services, may do all of the following:

23 a. Enter into interstate library compacts on behalf of
 24 the state of Iowa with any state which legally joins in the
 25 compacts as provided in section 256.70.

26 b. Receive and expend money for providing programs and
 27 services. The ~~division~~ department may receive, accept, and
 28 administer any moneys appropriated or granted to it, separate
 29 from the general library fund, by the federal government or by
 30 any other public or private agency.

31 c. Accept gifts, contributions, bequests, endowments,
 32 or other moneys, including but not limited to the Westgate
 33 endowment fund, for any or all purposes of the ~~division~~
 34 department as it relates to library services. Interest earned
 35 on moneys accepted under this paragraph shall be credited to

1 the fund or funds to which the gifts, contributions, bequests,
2 endowments, or other moneys have been deposited, and is
3 available for any or all purposes of the ~~division~~ department as
4 it relates to library services. The ~~division~~ department shall
5 report annually to the commission and the general assembly
6 regarding the gifts, contributions, bequests, endowments,
7 or other moneys accepted pursuant to this paragraph and the
8 interest earned on them.

9 Sec. 1368. Section 256.52, subsection 1, paragraph a,
10 unnumbered paragraph 1, Code 2023, is amended to read as
11 follows:

12 The state commission of libraries consists of one member
13 appointed by the supreme court, the director ~~of the department~~
14 ~~of education, or the director's designee~~, and the following
15 seven members who shall be appointed by the governor to serve
16 four-year terms beginning and ending as provided in section
17 69.19.

18 Sec. 1369. Section 256.52, subsection 3, Code 2023, is
19 amended by striking the subsection.

20 Sec. 1370. Section 256.52, subsection 4, Code 2023, is
21 amended to read as follows:

22 4. The commission shall adopt rules under chapter 17A for
23 carrying out the responsibilities of the ~~division~~ department as
24 it relates to library services duties of the department.

25 Sec. 1371. Section 256.52, subsection 5, Code 2023, is
26 amended by striking the subsection and inserting in lieu
27 thereof the following:

28 5. Advise the department and the state librarian concerning
29 the library services duties of the department.

30 Sec. 1372. Section 256.53, Code 2023, is amended to read as
31 follows:

32 **256.53 State publications.**

33 Upon issuance of a state publication in any format, a
34 state agency shall provide the ~~division~~ department with
35 an electronic version of the publication at no cost to the

1 ~~division~~ department.

2 Sec. 1373. Section 256.54, subsection 2, unnumbered
3 paragraph 1, Code 2023, is amended to read as follows:

4 The law library shall be administered by a law librarian
5 appointed by the state librarian subject to ~~chapter 8A,~~
6 subchapter IV, who shall do all of the following:

7 Sec. 1374. Section 256.55, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:

9 A state data center is established in the ~~division~~
10 department. The state data center shall be administered by
11 the state data center coordinator, who shall do all of the
12 following:

13 Sec. 1375. Section 256.55, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. Perform other duties imposed by law or prescribed by the
16 ~~commission~~ department.

17 Sec. 1376. Section 256.57, Code 2023, is amended to read as
18 follows:

19 **256.57 Enrich Iowa program.**

20 1. An enrich Iowa program is established in the ~~division~~
21 department to provide direct state assistance to public
22 libraries, to support the open access and access plus programs,
23 to provide public libraries with an incentive to improve
24 library services that are in compliance with performance
25 measures, and to reduce inequities among communities in the
26 delivery of library services based on performance measures
27 adopted by rule by the commission. The commission shall
28 adopt rules governing the allocation of funds appropriated by
29 the general assembly for purposes of this section to provide
30 direct state assistance to eligible public libraries. A public
31 library is eligible for funds under this ~~chapter~~ subchapter if
32 it is in compliance with the commission's performance measures.

33 2. The amount of direct state assistance distributed to each
34 eligible public library shall be based on the following:

35 a. The level of compliance by the eligible public library

1 with the performance measures adopted by the commission as
2 provided in this section.

3 **b.** The number of people residing within an eligible
4 library's geographic service area for whom the library provides
5 services.

6 **c.** The amount of other funding the eligible public library
7 received in the previous fiscal year for providing services to
8 rural residents and to contracting communities.

9 3. Moneys received by a public library pursuant to this
10 section shall supplement, not supplant, any other funding
11 received by the library.

12 4. For purposes of this section, "*eligible public library*"
13 means a public library that meets all of the following
14 requirements:

15 **a.** Submits to the ~~division~~ department all of the following:

16 (1) The report provided for under section 256.51,
17 subsection 1, paragraph "h".

18 (2) An application and accreditation report, in a format
19 approved by the ~~commission~~ department, that provides evidence
20 of the library's compliance with at least one level of the
21 standards established in accordance with section 256.51,
22 subsection 1, paragraph "k".

23 (3) Any other application or report the ~~division~~ department
24 deems necessary for the implementation of the enrich Iowa
25 program.

26 **b.** Participates in the library resource and information
27 sharing programs established by the state library.

28 **c.** Is a public library established by city ordinance or a
29 library district as provided in chapter 336.

30 5. Each eligible public library shall maintain a
31 separate listing within its budget for payments received and
32 expenditures made pursuant to this section, and shall annually
33 submit this listing to the ~~division~~ department.

34 6. By January 15, annually, the ~~division~~ department shall
35 submit a program evaluation report to the general assembly

1 and the governor detailing the uses and the impacts of funds
2 allocated under this section.

3 7. A public library that receives funds in accordance with
4 this section shall have an internet use policy in place, which
5 may or may not include internet filtering. The library shall
6 submit a report describing the library's internet use efforts
7 to the ~~division~~ department.

8 8. A public library that receives funds in accordance
9 with this section shall provide open access, the reciprocal
10 borrowing program, as a service to its patrons, at a
11 reimbursement rate determined by the state library.

12 9. Funds appropriated for purposes of this section shall not
13 be used by the ~~division~~ department for administrative purposes.

14 Sec. 1377. Section 256.58, Code 2023, is amended to read as
15 follows:

16 **256.58 Library support network.**

17 1. A library support network is established in the ~~division~~
18 department to offer services and programs for libraries,
19 including but not limited to individualized, locally delivered
20 consulting and training, and to facilitate resource sharing and
21 innovation through the use of technology, administer enrich
22 Iowa programs, advocate for libraries, promote excellence
23 and innovation in library services, encourage governmental
24 subdivisions to provide local financial support for local
25 libraries, and ensure the consistent availability of quality
26 service to all libraries throughout the state, regardless of
27 location or size.

28 2. The organizational structure to deliver library support
29 network services shall include district offices. The district
30 offices shall serve as a basis for providing field services
31 to local libraries in the counties comprising the district.
32 The ~~division~~ department shall determine which counties are
33 served by each district office. The number of district offices
34 established to provide services pursuant to this section shall
35 be six.

1 Sec. 1378. Section 256.59, Code 2023, is amended to read as
2 follows:

3 **256.59 Specialized library services.**

4 The specialized library services unit is established in
5 the ~~division~~ department to provide information services to
6 the three branches of state government and to offer focused
7 information services to the general public in the areas of Iowa
8 law, Iowa state documents, and Iowa history and culture.

9 Sec. 1379. Section 256.62, subsections 1, 3, and 4, Code
10 2023, are amended to read as follows:

11 1. The state librarian shall convene a library services
12 advisory panel to advise and recommend to the ~~commission and~~
13 ~~the division~~ department evidence-based best practices, to
14 assist the ~~commission and division~~ department to determine
15 service priorities and launch programs, articulate the needs
16 and interests of Iowa librarians, and share research and
17 professional development information.

18 3. The library services advisory panel shall meet at least
19 twice annually and shall submit its recommendations in a report
20 to the ~~commission~~ department and the state librarian at least
21 once annually. The report shall be timely submitted to allow
22 for consideration of the recommendations prior to program
23 planning and budgeting for the following fiscal year.

24 4. Members of the library services advisory panel shall
25 receive actual and necessary expenses incurred in the
26 performance of their duties. Expenses shall be paid from funds
27 appropriated to the department ~~for purposes of the division~~.

28 Sec. 1380. Section 256.70, unnumbered paragraph 1, Code
29 2023, is amended to read as follows:

30 ~~The division of library services of the department of~~
31 ~~education~~ is hereby authorized to enter into interstate
32 library compacts on behalf of the state of Iowa with any state
33 bordering on Iowa which legally joins therein in substantially
34 the following form and the contracting states agree that:

35 Sec. 1381. Section 256.71, Code 2023, is amended to read as

1 follows:

2 **256.71 Administrator.**

3 The ~~administrator of the division of library services state~~
4 librarian shall be the compact administrator. The compact
5 administrator shall receive copies of all agreements entered
6 into by the state or its political subdivisions and other
7 states or political subdivisions; consult with, advise and aid
8 such governmental units in the formulation of such agreements;
9 make such recommendations to the governor, legislature,
10 governmental agencies and units as the administrator deems
11 desirable to effectuate the purposes of this compact and
12 consult and cooperate with the compact administrators of other
13 party states.

14 Sec. 1382. CODE EDITOR DIRECTIVE — LIBRARY SERVICES.

15 1. The Code editor is directed to make the following
16 transfers:

- 17 a. Section 256.50 to section 8A.201.
- 18 b. Section 256.51 to section 8A.202.
- 19 c. Section 256.52 to section 8A.203.
- 20 d. Section 256.53 to section 8A.205.
- 21 e. Section 256.54 to section 8A.206.
- 22 f. Section 256.55 to section 8A.207.
- 23 g. Section 256.56 to section 8A.208.
- 24 h. Section 256.57 to section 8A.209.
- 25 i. Section 256.58 to section 8A.210.
- 26 j. Section 256.59 to section 8A.211.
- 27 k. Section 256.62 to section 8A.221.
- 28 l. Section 256.69 to section 8A.222.
- 29 m. Section 256.70 to section 8A.231.
- 30 n. Section 256.71 to section 8A.232.
- 31 o. Section 256.72 to section 8A.233.
- 32 p. Section 256.73 to section 8A.234.

33 2. The Code editor is directed to rename subchapter II and
34 designate parts in chapter 8A as follows:

- 35 a. Subchapter II shall be entitled "Library Services" and

1 include sections 8A.201 through 8A.234.

2 b. Subchapter II, part 1, shall be entitled "General
3 Provisions" and include sections 8A.201 through 8A.211.

4 c. Subchapter II, part 2, shall be entitled "Library
5 Services Advisory Panel and Local Financial Support" and
6 include sections 8A.221 through 8A.222.

7 d. Subchapter II, new part 3, shall be entitled "Library
8 Compact" and include sections 8A.231 through 8A.234.

9 3. The Code editor may modify subchapter and part titles if
10 necessary and is directed to correct internal references in the
11 Code as necessary due to enactment of this section.

12 STATE RECORDS AND ARCHIVES

13 Sec. 1383. Section 163.37, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. Such records shall be maintained for a length of time as
16 required by and pursuant to chapter ~~305~~ 8A, subchapter VI, and
17 at the point of concentration and shall be made available for
18 inspection by the department at reasonable times.

19 Sec. 1384. Section 305.1, Code 2023, is amended to read as
20 follows:

21 **305.1 Citation.**

22 This ~~chapter~~ subchapter shall be known and may be cited as
23 the "*State Archives and Records Act*".

24 Sec. 1385. Section 305.2, unnumbered paragraph 1, Code
25 2023, is amended to read as follows:

26 As used in this ~~chapter~~ subchapter, unless the context
27 otherwise requires:

28 Sec. 1386. Section 305.3, subsection 2, Code 2023, is
29 amended by striking the subsection.

30 Sec. 1387. Section 305.3, subsection 8, Code 2023, is
31 amended to read as follows:

32 8. The director ~~of the department of administrative~~
33 ~~services~~.

34 Sec. 1388. Section 305.7, Code 2023, is amended to read as
35 follows:

1 **305.7 ~~Administration~~ Commission administration.**

2 The department ~~of cultural affairs~~, through the state
3 archives and records program, is the primary agency responsible
4 for providing administrative personnel and services for the
5 commission.

6 Sec. 1389. Section 305.8, subsection 1, paragraphs e, f, and
7 g, Code 2023, are amended to read as follows:

8 e. Adopt and maintain an interagency records manual
9 containing the rules governing records management, as well as
10 records series retention and disposition schedules, guidelines,
11 and other information relating to implementation of this
12 ~~chapter~~ subchapter.

13 f. Make recommendations, in consultation with the department
14 ~~of administrative services~~, to the governor and the general
15 assembly for the continued reduction of printed reports
16 throughout state government in a manner that protects the
17 public's right to access such reports.

18 g. Provide advice, counsel, and services to the legislative,
19 judicial, and executive branch agencies subject to this ~~chapter~~
20 subchapter on the care and management of state government
21 records.

22 Sec. 1390. Section 305.8, subsection 2, paragraph a, Code
23 2023, is amended to read as follows:

24 a. Examine records in the possession, constructive
25 possession, or control of state agencies to carry out the
26 purposes of this ~~chapter~~ subchapter.

27 Sec. 1391. Section 305.9, subsection 1, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 The department ~~of cultural affairs~~ shall do all of the
30 following as it relates to state records and archives:

31 Sec. 1392. Section 305.9, subsection 1, paragraphs a and j,
32 Code 2023, are amended to read as follows:

33 a. Provide Administer the state archives and records
34 program and provide administrative support to the state records
35 commission through the state archives and records program.

1 *j.* Provide advice, counsel, and services to the legislative,
 2 judicial, and executive branch agencies subject to this ~~chapter~~
 3 subchapter on the care and management of state government
 4 records.

5 Sec. 1393. Section 305.9, subsection 1, paragraph 1,
 6 subparagraph (2), Code 2023, is amended to read as follows:

7 (2) Upon request, the state archivist shall make a certified
 8 copy of any record in the legal custody or in the physical
 9 custody of the state archivist, or a certified transcript of
 10 any record if reproduction is inappropriate because of legal or
 11 physical considerations. If a copy or transcript is properly
 12 authenticated, it has the same legal effect as though certified
 13 by the officer from whose office it was transferred or by the
 14 secretary of state. The department ~~of cultural affairs~~ shall
 15 establish reasonable fees for certified copies or certified
 16 transcripts of records in the legal custody or physical custody
 17 of the state archivist.

18 Sec. 1394. Section 305.9, subsection 2, unnumbered
 19 paragraph 1, Code 2023, is amended to read as follows:

20 The department ~~of cultural affairs~~ may do any of the
 21 following as it relates to state records and archives:

22 Sec. 1395. Section 305.10, subsection 1, paragraphs d and j,
 23 Code 2023, are amended to read as follows:

24 *d.* Comply with requests from the state records commission
 25 or the state archives and records program to examine records
 26 in the possession, constructive possession, or control of the
 27 agency in order to carry out the purposes of this ~~chapter~~
 28 subchapter.

29 *j.* Provide for compliance with this ~~chapter~~ subchapter and
 30 the rules adopted by the state records commission.

31 Sec. 1396. Section 305.14, Code 2023, is amended to read as
 32 follows:

33 **305.14 Liability precluded.**

34 No member of the commission or head of an agency shall
 35 be held liable for damages or loss, or civil or criminal

1 liability, because of the destruction of public records
 2 pursuant to the provisions of this ~~chapter~~ subchapter or any
 3 other law authorizing their destruction.

4 Sec. 1397. Section 305.15, Code 2023, is amended to read as
 5 follows:

6 **305.15 Exemptions — duties of state department of**
 7 **transportation and state board of regents.**

8 The state department of transportation and the agencies and
 9 institutions under the control of the state board of regents
 10 are exempt from the state records manual and the provisions
 11 of this ~~chapter~~ subchapter. However, the state department of
 12 transportation and the state board of regents shall adopt rules
 13 pursuant to chapter 17A for their employees, agencies, and
 14 institutions that are consistent with the objectives of this
 15 ~~chapter~~ subchapter. The rules shall be approved by the state
 16 records commission.

17 Sec. 1398. Section 305.16, subsections 1 and 3, Code 2023,
 18 are amended to read as follows:

19 1. *Membership.* The board shall consist of nine members
 20 appointed by the governor for three-year staggered terms.
 21 Members shall be eligible for reappointment. The members shall
 22 have experience in a field of research or an activity that
 23 administers or makes extensive use of historical records. The
 24 majority of the members shall have professional qualifications
 25 and experience in the administration of government records,
 26 historical records, or archives. The ~~administrator of the~~
 27 ~~historical division of the department of cultural affairs~~
 28 director shall serve as an ex officio member of the board.

29 3. *Administration.* The department ~~of cultural affairs,~~
 30 through the state archives and records program, is the primary
 31 agency responsible for providing administrative personnel and
 32 services for the board.

33 Sec. 1399. CODE EDITOR DIRECTIVE — STATE RECORDS AND
 34 ARCHIVES.

35 1. The Code editor is directed to make the following

1 transfers:

- 2 a. Section 305.1 to section 8A.601.
- 3 b. Section 305.2 to section 8A.602.
- 4 c. Section 305.3 to section 8A.603.
- 5 d. Section 305.4 to section 8A.604.
- 6 e. Section 305.5 to section 8A.605.
- 7 f. Section 305.6 to section 8A.606.
- 8 g. Section 305.7 to section 8A.607.
- 9 h. Section 305.8 to section 8A.608.
- 10 i. Section 305.9 to section 8A.609.
- 11 j. Section 305.10 to section 8A.610.
- 12 k. Section 305.11 to section 8A.611.
- 13 l. Section 305.12 to section 8A.612.
- 14 m. Section 305.13 to section 8A.613.
- 15 n. Section 305.14 to section 8A.614.
- 16 o. Section 305.15 to section 8A.615.
- 17 p. Section 305.16 to section 8A.616.

18 2. The Code editor is directed to create a new subchapter
19 VI in chapter 8A as follows: Subchapter VI shall be entitled
20 "State Records and Archives" and include sections 8A.601
21 through 8A.616.

22 3. The Code editor may modify subchapter titles if necessary
23 and is directed to correct internal references in the Code as
24 necessary due to enactment of this section.

25 HISTORICAL RESOURCES

26 Sec. 1400. NEW SECTION. 8A.702 Departmental duties —
27 historical resources.

28 The duties of the department as it relates to the historical
29 resources of the state shall include all of the following:

30 1. Develop a comprehensive, coordinated, and efficient
31 policy to preserve, research, interpret, and promote to the
32 public an awareness and understanding of local, state, and
33 regional history.

34 2. Administer and care for historical sites under the
35 authority of the department, and maintain collections within

1 these buildings.

2 a. Except for the state board of regents, a state agency
3 which owns, manages, or administers a historical site must
4 enter into an agreement with the department under chapter 28E
5 to ensure the proper management, maintenance, and development
6 of the site.

7 b. For the purposes of this section, "*historical site*"
8 means any district, site, building, or structure listed on the
9 national register of historic sites or identified as eligible
10 for such status by the state historic preservation officer
11 or that is identified according to established criteria by
12 the state historic preservation officer as significant in
13 national, state, and local history, architecture, engineering,
14 archaeology, or culture.

15 3. Encourage and assist local, county, and state
16 organizations and museums devoted to historical purposes.

17 4. Develop standards and criteria for the acquisition of
18 historic properties and for the preservation, restoration,
19 maintenance, operation, and interpretation of properties under
20 the jurisdiction of the department.

21 5. Implement tourism-related art and history projects as
22 directed by the general assembly.

23 6. Encourage the use of volunteers throughout the
24 department as it relates to the historical resources of
25 the state, especially for purposes of restoring books and
26 manuscripts.

27 7. Publish matters of historical value to the public.

28 8. Buy or receive by other means historical materials
29 including but not limited to artifacts, art, books,
30 manuscripts, and images. Such materials are not personal
31 property under sections 8A.321 and 8A.324 and shall be
32 received and cared for under the rules of the department. The
33 department may sell or otherwise dispose of those materials
34 according to the rules of the department and be credited for
35 any revenues credited by the disposal less the costs incurred.

1 9. Administer the historical resource development program
2 established in section 8A.712.

3 10. Administer, preserve, and interpret the battle
4 flag collection assembled by the state in consultation and
5 coordination with the department of veterans affairs. A
6 portion of the battle flag collection shall be on display at
7 the state capitol and the state historical building at all
8 times, unless on loan approved by the department.

9 11. Establish, maintain, and administer a digital
10 collection of historical manuscripts, documents, records,
11 reports, images, and artifacts and make the collection
12 available to the public through an online research center.

13 12. Perform such duties as required under chapter 305B.

14 Sec. 1401. Section 218.22, Code 2023, is amended to read as
15 follows:

16 **218.22 Record privileged.**

17 Except with the consent of the administrator in charge
18 of an institution, or on an order of a court of record, the
19 record provided in section 218.21 shall be accessible only to
20 the administrator of the division of the department of human
21 services in control of such institution, the director of the
22 department of human services and to assistants and proper
23 clerks authorized by such administrator or the administrator's
24 director. The administrator of the division of such
25 institution is authorized to permit the ~~division of library~~
26 ~~services of the department of education and the historical~~
27 ~~division of the department of cultural affairs~~ administrative
28 services to copy or reproduce by any photographic, photostatic,
29 microfilm, microcard or other process which accurately
30 reproduces a durable medium for reproducing the original and
31 to destroy in the manner described by law such records of
32 residents designated in section 218.21.

33 Sec. 1402. Section 303.5, unnumbered paragraph 1, Code
34 2023, is amended to read as follows:

35 The ~~state historical society administrator~~ director may:

1 Sec. 1403. Section 303.5, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. Make and sign any agreements and perform any acts which
4 are necessary, desirable, or proper to carry out the purpose
5 of the ~~division~~ department as it relates to the historical
6 resources of the state.

7 Sec. 1404. Section 303.7, Code 2023, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **303.7 State historical society.**

10 1. As used in this subchapter, "*state historical society*"
11 means a membership organization of the department that is open
12 to members of the general public who are interested in the
13 history of the state.

14 2. The state historical society board of trustees shall
15 recommend to the director rules for membership of the general
16 public in the state historical society, including rules
17 relating to membership fees. Members shall be persons who
18 indicate an interest in the history, progress, and development
19 of the state and who pay the prescribed fee. The members
20 of the state historical society may meet at least one time
21 per year to further the understanding of the history of this
22 state. The members of the society shall not determine policy
23 for the department as it relates to the historical resources
24 of the state but may advise the director and perform functions
25 to stimulate interest in the history of this state among the
26 general public. The society may perform other activities
27 related to history which are not contrary to this subchapter.

28 3. Unless designated otherwise, an application for
29 membership in the state historical society, or a gift, bequest,
30 devise, endowment, or grant to the state historical society or
31 the department as it relates to the historical resources of the
32 state shall be presumed to be to or in the department.

33 4. Notwithstanding section 633.63, the board may enter into
34 agreements authorizing nonprofit foundations acting solely for
35 the support of the state historical society or the department

1 to administer the membership program of the state historical
2 society and funds of the state historical society or the
3 department as it relates to the historical resources of the
4 state.

5 Sec. 1405. Section 303.8, subsection 1, paragraphs b and c,
6 Code 2023, are amended to read as follows:

7 *b.* Make recommendations to the ~~division administrator~~
8 director on historically related matters.

9 *c.* Review and recommend to the director or the director's
10 designee policy decisions regarding the ~~division~~ department as
11 it relates to the historical resources of the state.

12 Sec. 1406. Section 303.8, Code 2023, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 3. The department may:

15 *a.* By rule, establish advisory groups necessary for the
16 receipt of federal funds or grants or the administration of
17 any of the department's programs relating to the historical
18 resources of the state.

19 *b.* Develop and implement fee-based educational programming
20 opportunities, including preschool programs, related to arts,
21 history, and other cultural matters for Iowans of all ages.

22 Sec. 1407. Section 303.9, subsections 1 and 3, Code 2023,
23 are amended to read as follows:

24 1. All funds received by the department relating to the
25 historical resources of the state, including but not limited
26 to gifts, endowments, funds from the sale of memberships in
27 the state historical society, funds from the sale of mementos
28 and other items relating to Iowa history as authorized under
29 subsection 2, interest generated by the life membership
30 trust fund, and fees, shall be credited to the account of
31 the department and are appropriated to the department to
32 be invested or used for programs and purposes under the
33 authority of the department as it relates to the historical
34 resources of the state. Interest earned on funds credited to
35 the department, except funds appropriated to the department

1 from the general fund of the state, shall be credited to the
2 department. Section 8.33 does not apply to funds credited to
3 the department under this section.

4 3. Notwithstanding section 633.63, the state historical
5 society board of trustees may authorize nonprofit foundations
6 acting solely for the support of the ~~state historical society~~
7 ~~of Iowa~~ department as it relates to the historical resources of
8 the state to accept and administer trusts deemed by the board
9 to be beneficial to the ~~division's~~ department's operations
10 under this subchapter. The board and the foundation may act
11 as trustees in such instances.

12 Sec. 1408. Section 303.9A, Code 2023, is amended to read as
13 follows:

14 **303.9A Iowa heritage fund.**

15 1. An Iowa heritage fund is created in the state treasury
16 to be administered by the ~~state historical society~~ department.
17 The fund shall consist of all moneys allocated to the fund by
18 the treasurer of state.

19 2. Moneys in the fund shall be used in accordance with the
20 following:

21 a. Ninety percent shall be retained by the ~~state historical~~
22 ~~society~~ department and used to maintain and expand Iowa's
23 history curriculum, to provide teacher training in Iowa
24 history, and to support museum exhibits, historic sites, and
25 adult education programs.

26 b. Five percent shall be retained by the ~~state historical~~
27 ~~society~~ department to be used for start-up costs for the one
28 hundred seventy-fifth and two hundredth anniversaries of Iowa
29 statehood.

30 c. Five percent shall be retained by the ~~state historical~~
31 ~~society~~ department to be used for the promotion of the sale
32 of the Iowa heritage registration plate issued under section
33 321.34.

34 Sec. 1409. Section 303.10, Code 2023, is amended to read as
35 follows:

1 **303.10 Acceptance and use of money grants.**

2 All federal grants to and the federal receipts of the
3 agencies receiving funds under this ~~chapter~~ subchapter are
4 appropriated for the purpose set forth in the federal grants
5 or receipts.

6 Sec. 1410. Section 303.11, Code 2023, is amended to read as
7 follows:

8 **303.11 Gifts.**

9 1. The ~~division~~ department may accept gifts and bequests
10 which shall be used in accordance with the desires of the donor
11 if expressed. Funds contained in an endowment fund for either
12 the department of history and archives or the state historical
13 society existing on July 1, 1974, remain an endowment of the
14 ~~division~~ department. Gifts shall be accepted only on behalf
15 of the ~~division~~ department, and gifts to a part, branch, or
16 section of the ~~division~~ department are presumed to be gifts to
17 the ~~division~~ department.

18 2. If publication of a book is financed by the endowment
19 fund, this ~~chapter~~ subchapter does not prevent the return of
20 moneys from sales of the book to the endowment fund.

21 Sec. 1411. Section 303.16, subsections 1 and 2, Code 2023,
22 are amended to read as follows:

23 1. The ~~historical division~~ department shall administer a
24 program of grants and loans for historical resource development
25 throughout the state, subject to funds for such grants and
26 loans being made available through the appropriations process
27 or otherwise provided by law.

28 2. The purpose of the historical resource development
29 program is to preserve, conserve, interpret, and enhance
30 historical resources that will encourage and support the
31 economic and cultural health and development of the state and
32 the communities in which the resources are located. For this
33 purpose, the ~~division~~ department may make grants and loans as
34 otherwise provided by law with funds as may be made available
35 by applicable law.

1 Sec. 1412. Section 303.16, subsection 6, paragraphs b, f,
2 and g, Code 2023, are amended to read as follows:

3 *b.* A portion of the applicant's operating expenses may
4 be used as a cash match or in-kind match as specified by the
5 ~~division's~~ department's rules.

6 *f.* Grants under this program may be given only after review
7 and recommendation by the state historical society board of
8 trustees. The ~~division~~ department may contract with lending
9 institutions chartered in this state to act as agents for the
10 administration of loans under the program, in which case, the
11 lending institution may have the right of final approval of
12 loans, subject to the ~~division's~~ department's administrative
13 rules. If the ~~division~~ department does not contract with
14 a lending institution, loans may be made only after review
15 and recommendation by the state historical society board of
16 trustees.

17 *g.* The ~~division~~ department shall not award grants or loans
18 to be used for goods or services obtained outside the state,
19 unless the proposed recipient demonstrates that it is neither
20 feasible nor prudent to obtain the goods or services within the
21 state.

22 Sec. 1413. Section 303.16, subsections 8 and 9, Code 2023,
23 are amended to read as follows:

24 8. The ~~division~~ department may use ten percent of the annual
25 ~~appropriation allocation~~ to the division historical resource
26 grant and loan fund established in this section pursuant
27 to section 455A.19, but in no event more than seventy-five
28 thousand dollars, for administration of the grant and loan
29 program.

30 9. *a.* (1) The ~~division~~ department may establish a
31 historical resource grant and loan fund composed of any
32 money appropriated by the general assembly for that purpose,
33 funds allocated pursuant to section 455A.19, and of any other
34 moneys available to and obtained or accepted by the ~~division~~
35 department from the federal government or private sources for

1 placement in that fund. Each loan made under this section
2 shall be for a period not to exceed ten years, shall bear
3 interest at a rate determined by the state historical board,
4 and shall be repayable to the revolving loan fund in equal
5 yearly installments due March 1 of each year the loan is in
6 effect. The interest rate upon loans for which payment is
7 delinquent shall accelerate immediately to the current legal
8 usury limit. Applicants are eligible for not more than one
9 hundred thousand dollars in loans outstanding at any time under
10 this program. A single lending institution contracting with
11 the ~~division~~ department pursuant to this section shall not hold
12 more than five hundred thousand dollars worth of outstanding
13 loans under the program.

14 (2) Any applicant, who is otherwise eligible, who receives
15 a direct or indirect appropriation from the general assembly
16 for a project or portion of a project is ineligible for a
17 historical resources development grant for that same project
18 during the fiscal year for which the appropriation is made.
19 For purposes of this paragraph, "*project*" includes any related
20 activities, including but not limited to construction,
21 restoration, supplies, equipment, consulting, or other
22 services.

23 b. The ~~division~~ department may:

24 (1) Contract and adopt administrative rules necessary to
25 carry out the provisions of this section, but the ~~division~~
26 department shall not in any manner directly or indirectly
27 pledge the credit of the state of Iowa.

28 (2) Authorize payment from the historical resource grant
29 and loan fund, from fees and from any income received by
30 investments of money in the fund for costs, commissions,
31 attorney fees and other reasonable expenses related to
32 and necessary for making and protecting direct loans under
33 this section, and for the recovery of moneys loaned or the
34 management of property acquired in connection with such loans.

35 Sec. 1414. Section 303.16, subsection 10, paragraph b, Code

1 2023, is amended to read as follows:

2 **b.** A country schools historical resource preservation
3 grant program is therefore established to be administered by
4 the ~~historical division~~ department for the preservation of
5 one-room and two-room buildings once used as country schools.
6 In developing grant approval criteria, the ~~division~~ department
7 shall place a priority on the educational uses planned for the
8 country school building, which may include, but are not limited
9 to, historical interpretation and use as a teaching museum or
10 as an operational classroom accessible to a school district
11 or accredited nonpublic school for provisional instructional
12 purposes.

13 Sec. 1415. Section 305B.5, Code 2023, is amended to read as
14 follows:

15 **305B.5 Notice of injury or loss.**

16 A museum shall give a lender or claimant prompt notice of
17 any known injury to or loss of property on loan on a form for
18 notice of injury loss adopted by rule by the department of
19 administrative services. ~~The department of cultural affairs~~
20 ~~shall adopt by rule a form for notice of injury or loss, no~~
21 ~~later than January 1, 1989, and shall distribute the rule~~
22 ~~and form to all identified museums in Iowa within sixty days~~
23 ~~after adoption of the rule.~~ The notice shall be mailed to the
24 lender's or claimant's last known address in event of injury
25 or loss of property on loan to the museum. Published notice of
26 injury or loss of undocumented property shall not be required.

27 Sec. 1416. Section 305B.8, subsection 3, Code 2023, is
28 amended to read as follows:

29 3. The department of ~~cultural affairs~~ administrative
30 services shall adopt by rule a form for notice of intent to
31 preserve an interest in property on loan to a museum. The
32 form shall satisfy the requirements of subsection 1 and shall
33 notify the claimant of the rights and procedures to preserve an
34 interest in museum property. The form shall also facilitate
35 recordkeeping and record retrieval by a museum. At a minimum

1 the form shall provide a place for recording evidence of
2 receipt of a notice by a museum, including the date of receipt,
3 signature of the person receiving the notice, and the date on
4 which a copy of the receipt is returned to the claimant.

5 Sec. 1417. Section 305B.11, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. The department of ~~cultural-affairs~~ administrative
8 services may by rule determine the minimum form and substance
9 of recordkeeping by museums with regard to museum property to
10 implement this chapter.

11 Sec. 1418. Section 321.34, subsection 25, paragraph b, Code
12 2023, is amended to read as follows:

13 b. An owner referred to in subsection 12, upon written
14 application to the department, may order special registration
15 plates with a civil war sesquicentennial processed emblem. The
16 special plate fees collected by the director under subsection
17 12, paragraphs "a" and "c", from the issuance and annual
18 validation of letter-number designated and personalized civil
19 war sesquicentennial plates shall be paid monthly to the
20 treasurer of state and deposited in the road use tax fund. The
21 treasurer of state shall transfer monthly from the statutory
22 allocations fund created under section 321.145, subsection 2,
23 to the department of ~~cultural-affairs~~ administrative services
24 the amount of the special fees collected under subsection
25 12, paragraph "a", in the previous month for civil war
26 sesquicentennial plates, and such funds are appropriated to the
27 department of ~~cultural-affairs~~ administrative services to be
28 used for the Iowa battle flag project.

29 Sec. 1419. Section 423.3, subsection 34, Code 2023, is
30 amended to read as follows:

31 34. The sales price from sales of mementos and other items
32 relating to Iowa history and historic sites by the department
33 of ~~cultural-affairs~~ administrative services on the premises of
34 property under its control and at the state capitol.

35 Sec. 1420. Section 427.16, subsection 7, paragraph b, Code

1 2023, is amended to read as follows:

2 *b.* A historical site as defined in section ~~303.2~~ 8A.702.

3 Sec. 1421. Section 455A.19, subsection 1, paragraph *f*, Code
4 2023, is amended to read as follows:

5 *f.* Five percent shall be allocated to the historical
6 resource grant and loan fund established pursuant to section
7 303.16. The department of ~~cultural affairs~~ administrative
8 services shall use the moneys allocated to this fund to
9 implement historical resource development programs as provided
10 under section 303.16.

11 Sec. 1422. Section 904.601, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. The director shall keep the following record
14 of every person committed to any of the department's
15 institutions: Name, residence, sex, age, place of birth,
16 occupation, civil condition, date of entrance or commitment,
17 date of discharge, whether a discharge is final, condition of
18 the person when discharged, the name of the institutions from
19 which and to which the person has been transferred, and if the
20 person is dead, the date and cause of death. The director may
21 permit the ~~division of library services of the department of~~
22 ~~education and the historical division of the department of~~
23 ~~cultural affairs~~ administrative services to copy or reproduce
24 by any photographic, photostatic, microfilm, microcard, or
25 other process which accurately reproduces in a durable medium
26 and to destroy in the manner described by law the records of
27 inmates required by this paragraph.

28 Sec. 1423. 2012 Iowa Acts, chapter 1136, section 27,
29 subsection 1, is amended to read as follows:

30 1. A battle flag restoration fund is created and established
31 as a separate and distinct fund in the state treasury under the
32 control of the department of ~~cultural affairs~~ administrative
33 services. The moneys in the fund are appropriated to the
34 department for purposes of continuing the project recommended
35 by the Iowa battle flag advisory committee to stabilize the

1 condition of the battle flag collection. Moneys in the fund
2 shall not be subject to appropriation for any other purpose by
3 the general assembly, but shall be used only for the purposes
4 of the battle flag restoration fund.

5 Sec. 1424. CODE EDITOR DIRECTIVE — HISTORICAL RESOURCES.

6 1. The Code editor is directed to make the following
7 transfers:

- 8 a. Section 303.4 to section 8A.703.
- 9 b. Section 303.5 to section 8A.704.
- 10 c. Section 303.6 to section 8A.705.
- 11 d. Section 303.7 to section 8A.706.
- 12 e. Section 303.8 to section 8A.707.
- 13 f. Section 303.9 to section 8A.708.
- 14 g. Section 303.9A to section 8A.709.
- 15 h. Section 303.10 to section 8A.710.
- 16 i. Section 303.11 to section 8A.711.
- 17 j. Section 303.16 to section 8A.712.

18 2. The Code editor is directed to create a new subchapter
19 VII in chapter 8A as follows: Subchapter VII shall be entitled
20 "Historical Resources" and include sections 8A.702 through
21 8A.712.

22 3. The Code editor may modify subchapter titles if necessary
23 and is directed to correct internal references in the Code as
24 necessary due to enactment of this section.

25 DIVISION III

26 DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING

27 ORGANIZATION — GENERAL PROVISIONS

28 Sec. 1425. Section 7E.5, subsection 1, paragraphs d and h,
29 Code 2023, are amended to read as follows:

30 d. The department of inspections, and appeals, and
31 licensing, created in section 10A.102, which has primary
32 responsibility for licensing, administering the laws
33 relating to employment safety, labor standards, and workers'
34 compensation, and coordinating the conducting of various
35 inspections, investigations, appeals, hearings, and audits.

1 *h.* The department of workforce development, created
2 in section 84A.1, which has primary responsibility for
3 administering the laws relating to unemployment compensation
4 insurance, job placement and training, ~~employment safety, labor~~
5 ~~standards, workers' compensation,~~ and related matters.

6 Sec. 1426. Section 10A.101, subsections 2 and 3, Code 2023,
7 are amended to read as follows:

8 2. "*Department*" means the department of inspections, and
9 appeals, and licensing.

10 3. "*Director*" means the director of inspections, and
11 appeals, and licensing.

12 Sec. 1427. Section 10A.102, Code 2023, is amended to read
13 as follows:

14 **10A.102 Department established.**

15 The department of inspections, and appeals, and licensing is
16 established. The director of the department shall be appointed
17 by the governor to serve at the pleasure of the governor
18 subject to confirmation by the senate no less frequently than
19 every four years, whether or not there has been a new director
20 appointed during that time. If the office becomes vacant, the
21 vacancy shall be filled in the same manner as provided for the
22 original appointment.

23 Sec. 1428. Section 10A.103, Code 2023, is amended to read
24 as follows:

25 **10A.103 Purpose of the department.**

26 The department is created for the purpose of coordinating
27 and conducting various audits, appeals, hearings, inspections,
28 and investigations, and licensing activities related to the
29 operations of the executive branch of state government, and
30 administering the laws relating to employment safety, labor
31 standards, and workers' compensation.

32 Sec. 1429. Section 10A.104, subsections 2 and 5, Code 2023,
33 are amended to read as follows:

34 2. Appoint the administrators of the divisions within
35 the department and all other personnel deemed necessary for

1 the administration of this chapter, except the state public
 2 defender, assistant state public defenders, administrator
 3 of the racing and gaming commission, labor commissioner,
 4 workers' compensation commissioner, director of the Iowa
 5 state civil rights commission, and members of the employment
 6 appeal board, ~~and administrator of the child advocacy board~~
 7 ~~created in section 237.16.~~ All persons appointed and employed
 8 in the department are covered by the provisions of chapter
 9 8A, subchapter IV, but persons not appointed by the director
 10 are exempt from the merit system provisions of chapter 8A,
 11 subchapter IV.

12 5. ~~Adopt~~ Except for rules required or authorized by law
 13 to be adopted by another entity, adopt rules deemed necessary
 14 for the implementation and administration of this chapter in
 15 accordance with chapter 17A.

16 Sec. 1430. Section 10A.104, Code 2023, is amended by adding
 17 the following new subsections:

18 NEW SUBSECTION. 15. To adopt rules, in consultation with
 19 the state fire marshal, designating a fee to be assessed
 20 to each building, structure, or facility for which a fire
 21 safety inspection or plan review is required by law. The fee
 22 designated by rule shall be set in an amount that is reasonably
 23 related to the costs of conducting the applicable inspection
 24 or plan review. The fees collected shall be deposited in the
 25 general fund of the state.

26 NEW SUBSECTION. 16. Serve as the state building code
 27 commissioner pursuant to section 103A.4 and administer chapters
 28 101, 101A, 101B, 103, 103A, 104A, 104B, and 105.

29 NEW SUBSECTION. 17. Establish, publish, and enforce
 30 rules not inconsistent with law for the enforcement of those
 31 provisions of Title IV, subtitle 2, the administration and
 32 supervision of which are imposed upon the department.

33 NEW SUBSECTION. 18. Enforce the law relative to
 34 "Health-related Professions", Title IV, subtitle 3, excluding
 35 chapter 147A.

1 NEW SUBSECTION. 19. Regulate and supervise real estate
2 appraisers under chapter 543D and real estate appraisal
3 management companies under chapter 543E.

4 Sec. 1431. Section 10A.106, Code 2023, is amended to read
5 as follows:

6 **10A.106 Divisions of the department.**

7 1. The department is comprised of the ~~following divisions:~~

8 ~~a. Administrative~~ administrative hearings division.

9 ~~b. Investigations,~~ labor services division.

10 ~~c. Health facilities,~~ workers' compensation division, and
11 other divisions as appropriate.

12 2. The allocation of departmental duties to the divisions of
13 the department in ~~sections 10A.402, 10A.702,~~ sections 10A.202,
14 10A.301, and 10A.801 does not prohibit the director from
15 reallocating departmental duties within the department.

16 Sec. 1432. NEW SECTION. **10A.109 Statutory board,**
17 **commission, committee, or council — teleconference option.**

18 Any statutorily established board, commission, committee,
19 or council established under the purview of the department
20 relative to "Health-related Professions", Title IV, subtitle
21 3, excluding chapter 147A, shall provide for a teleconference
22 option for board, commission, committee, or council members to
23 participate in official meetings.

24 Sec. 1433. Section 10A.402, unnumbered paragraph 1, Code
25 2023, is amended to read as follows:

26 The ~~administrator~~ director shall coordinate the ~~division's~~
27 department's conduct of various audits and investigations as
28 provided by law including but not limited to the following:

29 Sec. 1434. Section 10A.403, Code 2023, is amended to read
30 as follows:

31 **10A.403 Investigators — peace officer status.**

32 Investigators of the ~~division~~ department shall have the
33 powers and authority of peace officers when acting within the
34 scope of their responsibilities to conduct investigations as
35 specified in section 10A.402, subsection 5. An investigator

1 shall not carry a weapon to perform responsibilities as
2 described in this section.

3 Sec. 1435. Section 10A.601, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. A full-time employment appeal board is created within the
6 department of inspections, and appeals, and licensing, to hear
7 and decide contested cases under chapter 8A, subchapter IV, and
8 chapters 80, 88, 91C, 96, and 97B.

9 Sec. 1436. Section 10A.702, unnumbered paragraph 1, Code
10 2023, is amended to read as follows:

11 The ~~administrator~~ director shall coordinate the ~~division's~~
12 department's conduct of various inspections and investigations
13 as otherwise provided by law including, but not limited to, all
14 of the following:

15 Sec. 1437. Section 10A.702, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. Inspections and other licensing procedures relative to
18 the hospice program, hospitals, and health care facilities.
19 The ~~division~~ department is designated as the sole licensing
20 authority for these programs and facilities.

21 Sec. 1438. Section 10A.801, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 For purposes of this ~~article~~ subchapter, unless the context
24 otherwise requires:

25 Sec. 1439. Section 10A.801, subsection 1, paragraph b, Code
26 2023, is amended to read as follows:

27 *b.* "*Division*" means the administrative hearings division of
28 the department of inspections, and appeals, and licensing.

29 Sec. 1440. Section 84A.1, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. ~~a.~~ The director of the department of workforce
32 development shall, subject to the requirements of section
33 84A.1B, prepare, administer, and control the budget of the
34 department and its divisions and shall approve the employment
35 of all personnel of the department and its divisions.

1 ~~b. The director of the department of workforce development~~
2 ~~shall direct the administrative and compliance functions and~~
3 ~~control the docket of the division of workers' compensation.~~

4 Sec. 1441. Section 84A.5, subsections 4 and 5, Code 2023,
5 are amended by striking the subsections.

6 Sec. 1442. REPEAL. Sections 10A.401 and 10A.701, Code 2023,
7 are repealed.

8 Sec. 1443. CODE EDITOR DIRECTIVE.

9 1. The Code editor is directed to make the following
10 transfers:

11 a. Section 135.61 to section 10A.711.

12 b. Section 135.62 to section 10A.712.

13 c. Section 135.63 to section 10A.713.

14 d. Section 135.64 to section 10A.714.

15 e. Section 135.65 to section 10A.715.

16 f. Section 135.66 to section 10A.716.

17 g. Section 135.67 to section 10A.717.

18 h. Section 135.68 to section 10A.718.

19 i. Section 135.69 to section 10A.719.

20 j. Section 135.70 to section 10A.720.

21 k. Section 135.71 to section 10A.721.

22 l. Section 135.72 to section 10A.722.

23 m. Section 135.73 to section 10A.723.

24 n. Section 135.74 to section 10A.724.

25 o. Section 135.75 to section 10A.725.

26 p. Section 135.76 to section 10A.726.

27 q. Section 135.78 to section 10A.727.

28 r. Section 135.79 to section 10A.728.

29 s. Section 135.83 to section 10A.729.

30 2. The Code editor is directed to rename and retitle article
31 I of chapter 10A as follows:

32 Subchapter I GENERAL PROVISIONS

33 3. The Code editor is directed to rename and retitle article
34 IV of chapter 10A as follows:

35 Subchapter IV INVESTIGATIONS

1 4. The Code editor is directed to rename article VI of
2 chapter 10A as subchapter VI.

3 5. The Code editor is directed to rename and retitle article
4 VII of chapter 10A and designate parts as follows:

5 a. Subchapter VII shall be entitled HEALTH FACILITIES and
6 include sections 10A.702 through 10A.729.

7 b. Subchapter VII, part 1, shall be entitled GENERAL
8 PROVISIONS and include section 10A.702.

9 c. Subchapter VII, part 2, shall be entitled HEALTH
10 FACILITIES COUNCIL and include sections 10A.711 through
11 10A.729.

12 6. The Code editor is directed to rename article VIII of
13 chapter 10A as subchapter VIII.

14 7. The Code editor shall correct internal references in the
15 Code and in any enacted legislation as necessary due to the
16 enactment of this section.

17 LABOR SERVICES

18 Sec. 1444. NEW SECTION. 10A.200 Definitions.

19 As used in this subchapter, unless the context otherwise
20 requires:

21 1. "*Commissioner*" means the labor commissioner appointed
22 pursuant to section 10A.203, or the commissioner's designee.

23 2. "*Division*" means the division of labor services of the
24 department of inspections, appeals, and licensing.

25 Sec. 1445. NEW SECTION. 10A.202 Labor services —
26 responsibilities.

27 1. The division is responsible for the administration of
28 the laws of this state under chapters 88 and 89B and sections
29 85.67A and 85.68, and such other duties assigned to the
30 division or commissioner. The executive head of the division
31 is the commissioner, appointed pursuant to section 10A.203.

32 2. The department is responsible for the administration of
33 the laws of this state under chapters 88A, 88B, 89, 89A, 90A,
34 91A, 91C, 91D, 91E, 92, and such other labor-services duties
35 assigned to the department or director.

1 Sec. 1446. Section 73A.21, subsection 1, paragraphs a and b,
2 Code 2023, are amended by striking the paragraphs.

3 Sec. 1447. Section 73A.21, subsections 5, 6, 8, and 9, Code
4 2023, are amended to read as follows:

5 5. The ~~commissioner~~ director and the ~~division~~ department
6 shall administer and enforce this section, and the ~~commissioner~~
7 director shall adopt rules for the administration and
8 enforcement of this section ~~as provided in section 91.6.~~

9 6. The ~~commissioner~~ director shall have the following
10 powers and duties for the purposes of this section:

11 a. The ~~commissioner~~ director may hold hearings and
12 investigate charges of violations of this section.

13 b. The ~~commissioner~~ director may, consistent with due
14 process of law, enter any place of employment to inspect
15 records concerning labor force residency, to question
16 an employer or employee, and to investigate such facts,
17 conditions, or matters as are deemed appropriate in determining
18 whether any person has violated the provisions of this section.
19 The ~~commissioner~~ director shall only make such an entry in
20 response to a written complaint.

21 c. The ~~commissioner~~ director shall develop a written
22 complaint form applicable to this section and make it available
23 in ~~division~~ department offices and on the ~~department of~~
24 ~~workforce development's~~ department's internet site.

25 d. The ~~commissioner~~ director may sue for injunctive relief
26 against the awarding of a contract, the undertaking of a public
27 improvement, or the continuation of a public improvement in
28 response to a violation of this section.

29 e. The ~~commissioner~~ director may investigate and ascertain
30 the residency of a worker engaged in any public improvement in
31 this state.

32 f. The ~~commissioner~~ director may administer oaths, take
33 or cause to be taken deposition of witnesses, and require
34 by subpoena the attendance and testimony of witnesses and
35 the production of all books, registers, payrolls, and other

1 evidence relevant to a matter under investigation or hearing.

2 *g.* The ~~commissioner~~ director may employ qualified personnel
3 as are necessary for the enforcement of this section. Such
4 personnel shall be employed pursuant to the merit system
5 provisions of chapter 8A, subchapter IV.

6 *h.* The ~~commissioner~~ director shall require a contractor or
7 subcontractor to file, within ten days of receipt of a request,
8 any records enumerated in subsection 7. If the contractor or
9 subcontractor fails to provide the requested records within ten
10 days, the ~~commissioner~~ director may direct, within fifteen days
11 after the end of the ten-day period, the fiscal or financial
12 office charged with the custody and disbursement of funds of
13 the public body that contracted for construction of the public
14 improvement or undertook the public improvement, to immediately
15 withhold from payment to the contractor or subcontractor
16 up to twenty-five percent of the amount to be paid to the
17 contractor or subcontractor under the terms of the contract
18 or written instrument under which the public improvement is
19 being performed. The amount withheld shall be immediately
20 released upon receipt by the public body of a notice from
21 the commissioner indicating that the request for records as
22 required by this section has been satisfied.

23 8. Any person or entity that violates the provisions of
24 this section is subject to a civil penalty in an amount not
25 to exceed one thousand dollars for each violation found in
26 a first investigation by the ~~division~~ department, not to
27 exceed five thousand dollars for each violation found in a
28 second investigation by the ~~division~~ department, and not to
29 exceed fifteen thousand dollars for a third or subsequent
30 violation found in any subsequent investigation by the ~~division~~
31 department. Each violation of this section for each worker and
32 for each day the violation continues constitutes a separate and
33 distinct violation. In determining the amount of the penalty,
34 the ~~division~~ department shall consider the appropriateness of
35 the penalty to the person or entity charged, upon determination

1 of the gravity of the violations. The collection of these
 2 penalties shall be enforced in a civil action brought by the
 3 attorney general on behalf of the ~~division~~ department.

4 9. A party seeking review of the ~~division's~~ department's
 5 determination pursuant to this section may file a written
 6 request for an informal conference. The request must be
 7 received by the ~~division~~ department within fifteen days
 8 after the date of issuance of the ~~division's~~ department's
 9 determination. During the conference, the party seeking
 10 review may present written or oral information and arguments
 11 as to why the ~~division's~~ department's determination should be
 12 amended or vacated. The ~~division~~ department shall consider
 13 the information and arguments presented and issue a written
 14 decision advising all parties of the outcome of the conference.

15 Sec. 1448. Section 91.2, Code 2023, is amended to read as
 16 follows:

17 **91.2 ~~Appointment~~ Labor commissioner — appointment.**

18 The governor shall appoint, subject to confirmation by the
 19 senate, a labor commissioner who shall serve ~~for a period of~~
 20 ~~six years beginning and ending as provided in section 69.19 at~~
 21 the pleasure of the governor. If the office becomes vacant,
 22 the vacancy shall be filled in the same manner as provided for
 23 the original appointment.

24 Sec. 1449. Section 91.4, Code 2023, is amended to read as
 25 follows:

26 **91.4 Duties and powers — labor services.**

27 1. The duties of ~~said~~ the commissioner or director, as
 28 applicable, pursuant to this subchapter shall be as follows:

29 a. To safely keep all records, papers, documents,
 30 correspondence, and other property pertaining to or coming into
 31 the commissioner's or director's hands by virtue of the office,
 32 and deliver the same to the commissioner's or director's
 33 successor, except as otherwise provided.

34 b. To collect, assort, and systematize statistical details
 35 relating to programs of the division ~~of labor services or~~

1 department under this subchapter.

2 *c.* To issue from time to time bulletins containing
3 information of importance to the industries of the state and
4 to the safety of wage earners.

5 *d.* To conduct and to cooperate with other interested persons
6 and organizations in conducting educational programs and
7 projects on employment safety.

8 ~~*e.*~~ 2. ~~To~~ The commissioner shall serve as an ex officio
9 member of the state fire service and emergency response council
10 created in section 100B.1, or shall appoint a designee to serve
11 as an ex officio member of such council, to assist the council
12 in the development of rules relating to fire fighting training
13 standards and any other issues relating to occupational safety
14 and health standards for fire fighters.

15 ~~2.~~ 3. ~~The director of the department of workforce~~
16 ~~development,~~ in consultation with the labor commissioner,
17 shall, at the time provided by law, make an annual report to
18 the governor setting forth in appropriate form the business and
19 expense of the division ~~of labor services~~ and department under
20 this subchapter for the preceding year, the number of remedial
21 actions taken under chapter 89A, the number of disputes or
22 violations processed by the division or department and the
23 disposition of the disputes or violations, and other matters
24 pertaining to the division or department under this subchapter
25 which are of public interest, together with recommendations for
26 change or amendment of the laws in this chapter and chapters
27 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, and
28 ~~92, and 94A,~~ and section sections 85.67A, and 85.68, and the
29 recommendations, if any, shall be transmitted by the governor
30 to the first general assembly in session after the report is
31 filed.

32 ~~3.~~ 4. The commissioner or director, as applicable, with the
33 assistance of the office of the attorney general if requested
34 by the commissioner or director, may commence a civil action
35 in any court of competent jurisdiction to enforce the statutes

1 under the commissioner's or director's jurisdiction under this
 2 subchapter.

3 ~~4.~~ 5. The division ~~of labor services~~ or department, as
 4 applicable, may sell documents printed by the division or
 5 department as it relates to this subchapter at cost according
 6 to rules established by the ~~labor~~ commissioner or director
 7 pursuant to chapter 17A. Receipts from the sale shall be
 8 deposited to the credit of the ~~division~~ department and may
 9 be used by the division for administrative expenses of the
 10 division and department under this subchapter.

11 ~~5.~~ 6. Except as provided in chapter 91A, the commissioner
 12 or director, as applicable, may recover interest, court costs,
 13 and any attorney fees incurred in recovering any amounts due
 14 under this subchapter. The recovery shall only take place
 15 after final agency action is taken under chapter 17A, or upon
 16 judicial review, after final disposition of the case by the
 17 court. Attorney fees recovered in an action brought under
 18 the jurisdiction of the commissioner or director under this
 19 subchapter shall be deposited in the general fund of the state.
 20 The commissioner ~~is~~ and director are exempt from the payment of
 21 any filing fee or other court costs including but not limited
 22 to fees paid to county sheriffs.

23 ~~6.~~ 7. The commissioner or director may establish rules
 24 pursuant to chapter 17A to assess and collect interest on fees,
 25 penalties, and other amounts due the division or department,
 26 as applicable, under this subchapter. The commissioner or
 27 director may delay or, following written notice, deny the
 28 issuance of a license, commission, registration, certificate,
 29 or permit authorized under chapter 88A, 89, 89A, 90A, or
 30 ~~91C, or 94A~~ if the applicant for the license, commission,
 31 registration, certificate, or permit owes a liquidated debt to
 32 the commissioner or director.

33 Sec. 1450. Section 91.5, Code 2023, is amended to read as
 34 follows:

35 **91.5 Other duties — jurisdiction in general.**

1 ~~The~~ As provided by this subchapter, the commissioner
 2 or director shall have jurisdiction and it shall be the
 3 commissioner's or director's duty to supervise the enforcement
 4 of:

5 1. All laws relating to safety appliances and inspection
 6 thereof and health conditions in manufacturing and mercantile
 7 establishments, workshops, machine shops, other industrial
 8 concerns within the commissioner's jurisdiction and sanitation
 9 and shelter for railway employees.

10 2. All laws of the state relating to child labor.

11 3. ~~All laws relating to employment agencies.~~

12 4. ~~Such other provisions of law as are now or shall~~
 13 ~~hereafter be relating to this subchapter~~ within the
 14 commissioner's or director's jurisdiction.

15 Sec. 1451. Section 91.6, Code 2023, is amended to read as
 16 follows:

17 **91.6 Rules Labor commissioner — rules.**

18 The commissioner shall adopt rules pursuant to chapter 17A
 19 for the purpose of administering ~~this chapter and all other~~
 20 chapters under the commissioner's jurisdiction as provided in
 21 section 10A.202, subsection 1.

22 Sec. 1452. Section 91.8, Code 2023, is amended to read as
 23 follows:

24 **91.8 Traveling expenses.**

25 The director, commissioner, inspectors, and other employees
 26 of the ~~office~~ division or department shall be allowed their
 27 necessary traveling expenses while in the discharge of their
 28 duties under this subchapter.

29 Sec. 1453. Section 91.9, Code 2023, is amended to read as
 30 follows:

31 **91.9 Right to enter premises.**

32 The ~~labor~~ director, commissioner, and the inspectors shall
 33 have the power to enter any factory or mill, workshop, mine,
 34 store, railway facility, including locomotive or caboose,
 35 business house, or public or private work, when the same is

1 open or in operation, for the purpose of gathering facts and
2 statistics such as are contemplated by this ~~chapter~~ subchapter,
3 and to examine into the methods of protection from danger to
4 employees, and the sanitary conditions in and around such
5 buildings and places, and make a record thereof.

6 Sec. 1454. Section 91.10, Code 2023, is amended to read as
7 follows:

8 **91.10 Power to secure evidence.**

9 The ~~labor director or commissioner, or the commissioner's~~
10 designee as applicable, may issue subpoenas, administer
11 oaths, and take testimony in all matters relating to the
12 duties required of ~~them~~ the director or commissioner under
13 this subchapter. Witnesses subpoenaed and testifying before
14 the director or commissioner ~~or the commissioner's designee~~
15 shall be paid the same fees as witnesses under section 622.69,
16 payment to be made out of the funds appropriated to the
17 department or division of labor services, as applicable.

18 Sec. 1455. Section 91.11, Code 2023, is amended to read as
19 follows:

20 **91.11 Prosecutions for violations — labor services.**

21 1. If the director or commissioner learns of any violation
22 of any law administered by the department or division under
23 this subchapter, the director or commissioner may give the
24 county attorney of the county in which the violation occurred
25 written notice of the facts, whereupon that officer shall
26 institute the proper proceedings against the person charged
27 with the offense.

28 2. If the director or commissioner is of the opinion
29 that the violation is not willful, or is an oversight or of
30 a trivial nature, the director or commissioner may at the
31 director's or commissioner's discretion fix a time within
32 which the violation shall be corrected and notify the owner,
33 operator, superintendent, or person in charge. If the
34 violation is corrected within the time fixed, then the director
35 or commissioner shall not cause prosecution to be begun.

1 Sec. 1456. Section 91.15, Code 2023, is amended to read as
2 follows:

3 **91.15 Definition of additional terms.**

4 The expressions "*factory*", "*mill*", "*workshop*", "*mine*",
5 "*store*", "*railway*", "*business house*", and "*public or private*
6 *work*", as used in this ~~chapter~~ subchapter, shall be construed
7 to mean any factory, mill, workshop, mine, store, railway,
8 business house, or public or private work, where wage earners
9 are employed for a compensation.

10 Sec. 1457. Section 91.16, Code 2023, is amended to read as
11 follows:

12 **91.16 Violations — penalties.**

13 Persons violating any of the provisions of this ~~chapter~~
14 subchapter shall be punished as in this section provided,
15 respectively:

16 1. Any owner, superintendent, manager, or person in charge
17 of any factory, mill, workshop, store, mine, hotel, restaurant,
18 cafe, railway, business house, or public or private work, who
19 shall refuse to allow the ~~labor~~ director, commissioner, or any
20 inspector or employee of the department or division of labor
21 ~~services~~ to enter the same, or who shall hinder or deter the
22 director, commissioner, inspector, or employee in collecting
23 information which it is that person's duty to collect shall be
24 guilty of a simple misdemeanor.

25 2. Any officer or employee of the department or division
26 ~~of labor services~~, or any person making unlawful use of names
27 or information obtained under this subchapter by virtue of the
28 person's office, shall be guilty of a serious misdemeanor.

29 3. Any owner, operator, or manager of a factory, mill,
30 workshop, mine, store, railway, business house, or public or
31 private work, who shall neglect or refuse for thirty days
32 after receipt of notice from the director or commissioner to
33 furnish any reports or returns the director or commissioner may
34 require to enable the director or commissioner to discharge the
35 director's or commissioner's duties under this subchapter shall

1 be guilty of a simple misdemeanor.

2 Sec. 1458. REPEAL. Section 91.1, Code 2023, is repealed.

3 Sec. 1459. CODE EDITOR DIRECTIVE.

4 1. The Code editor is directed to make the following
5 transfers:

6 a. Section 91.2 to section 10A.203.

7 b. Section 91.4 to section 10A.204.

8 c. Section 91.5 to section 10A.205.

9 d. Section 91.6 to section 10A.206.

10 e. Section 91.8 to section 10A.207.

11 f. Section 91.9 to section 10A.208.

12 g. Section 91.10 to section 10A.209.

13 h. Section 91.11 to section 10A.210.

14 i. Section 91.15 to section 10A.201.

15 j. Section 91.16 to section 10A.211.

16 k. Section 73A.21 to section 8A.311B.

17 2. The Code editor is directed to rename article II in
18 chapter 10A as follows:

19 Article II shall be subchapter II and shall be entitled
20 "Labor Services" and include sections 10A.200 through 10A.211.

21 3. The Code editor may modify subchapter titles if necessary
22 and is directed to correct internal references in the Code as
23 necessary due to enactment of this section.

24 WORKERS' COMPENSATION

25 Sec. 1460. NEW SECTION. 10A.301 Definitions.

26 As used in this subchapter, unless the context otherwise
27 requires:

28 1. "*Commissioner*" means the workers' compensation
29 commissioner appointed pursuant to section 86.1, or the
30 commissioner's designee.

31 2. "*Division*" means the division of workers' compensation of
32 the department of inspections, appeals, and licensing.

33 Sec. 1461. NEW SECTION. 10A.302 Workers' compensation —
34 responsibilities.

35 The division is responsible for the administration of the

1 laws of this state relating to workers' compensation under this
 2 subchapter and chapters 85, 85A, 85B, and 87. The executive
 3 head of the division is the workers' compensation commissioner,
 4 appointed pursuant to section 86.1.

5 Sec. 1462. Section 86.1, Code 2023, is amended to read as
 6 follows:

7 **86.1 Workers' compensation commissioner — term appointment.**

8 The governor shall appoint, subject to confirmation by the
 9 senate, a workers' compensation commissioner ~~whose term of~~
 10 ~~office who shall be six years beginning and ending as provided~~
 11 ~~in section 69.19~~ serve at the pleasure of the governor. The
 12 ~~workers' compensation commissioner shall maintain an office~~
 13 ~~at the seat of government. If the office becomes vacant, the~~
 14 vacancy shall be filled in the same manner as provided for the
 15 original appointment. The workers' compensation commissioner
 16 must be a lawyer admitted to practice in this state.

17 Sec. 1463. Section 86.7, Code 2023, is amended to read as
 18 follows:

19 **86.7 Interest in affected business.**

20 It shall be unlawful for the commissioner to be financially
 21 interested in any business enterprise coming under or affected
 22 by this ~~chapter~~ subchapter during the commissioner's term of
 23 office, and if the commissioner violates this statute, it shall
 24 be sufficient grounds for removal from office, and in such
 25 case the governor shall at once declare the office vacant and
 26 appoint another to fill the vacancy.

27 Sec. 1464. Section 86.8, subsection 1, paragraph a, Code
 28 2023, is amended to read as follows:

29 a. Adopt and enforce rules necessary to implement this
 30 ~~chapter~~ subchapter and chapters 85, 85A, 85B, and 87.

31 Sec. 1465. Section 86.9, subsections 1 and 2, Code 2023, are
 32 amended to read as follows:

33 1. The director ~~of the department of workforce development,~~
 34 in consultation with the commissioner, shall, at the time
 35 provided by law, make an annual report to the governor setting

1 forth in appropriate form the business and expense of the
2 division of workers' compensation for the preceding year, the
3 number of claims processed by the division and the disposition
4 of the claims, and other matters pertaining to the division
5 which are of public interest, together with recommendations
6 for change or amendment of the laws in this ~~chapter~~ subchapter
7 and chapters 85, 85A, 85B, and 87, and the recommendations, if
8 any, shall be transmitted by the governor to the first general
9 assembly in session after the report is filed.

10 2. The commissioner, after consultation with the director
11 ~~of the department of workforce development~~, may compile an
12 annual report setting forth the final decisions, rulings, and
13 orders of the division for the preceding year and setting forth
14 other matters or information which the commissioner considers
15 desirable for publication.

16 Sec. 1466. Section 86.13, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. If an employer or insurance carrier pays weekly
19 compensation benefits to an employee, the employer or insurance
20 carrier shall file with the workers' compensation commissioner
21 in the form and manner required by the workers' compensation
22 commissioner a notice of the commencement of the payments.
23 The payments establish conclusively that the employer and
24 insurance carrier have notice of the injury for which benefits
25 are claimed but the payments do not constitute an admission of
26 liability under this ~~chapter~~ subchapter or chapter 85, 85A, or
27 85B.

28 Sec. 1467. Section 86.13, subsection 4, paragraph a, Code
29 2023, is amended to read as follows:

30 a. If a denial, a delay in payment, or a termination of
31 benefits occurs without reasonable or probable cause or excuse
32 known to the employer or insurance carrier at the time of
33 the denial, delay in payment, or termination of benefits,
34 the workers' compensation commissioner shall award benefits
35 in addition to those benefits payable under this ~~chapter~~

1 subchapter, or chapter 85, 85A, or 85B, up to fifty percent of
2 the amount of benefits that were denied, delayed, or terminated
3 without reasonable or probable cause or excuse.

4 Sec. 1468. Section 86.17, Code 2023, is amended to read as
5 follows:

6 **86.17 Hearings — presiding officer — venue.**

7 1. Notwithstanding the provisions of section 17A.11,
8 the workers' compensation commissioner or a deputy workers'
9 compensation commissioner shall preside over any contested case
10 proceeding brought under this ~~chapter~~ subchapter, or chapter
11 85, 85A, or 85B in the manner provided by chapter 17A. The
12 deputy commissioner or the commissioner may make such inquiries
13 in contested case proceedings as shall be deemed necessary, so
14 long as such inquiries do not violate any of the provisions of
15 section 17A.17.

16 2. Hearings in contested case proceedings under this
17 subchapter and chapters 85, and 85A ~~and this chapter~~ shall be
18 held in the judicial district where the injury occurred. By
19 written stipulation of the parties or by the order of a deputy
20 workers' compensation commissioner or the commissioner, a
21 hearing may be held elsewhere. If the injury occurred outside
22 this state, or if the proceeding is not one for benefits
23 resulting from an injury, hearings shall be held in Polk county
24 or as otherwise stipulated by the parties or by order of a
25 deputy workers' compensation commissioner or the workers'
26 compensation commissioner.

27 Sec. 1469. Section 86.18, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. Evidence, process and procedure in contested case
30 proceedings or appeal proceedings within the agency under this
31 ~~chapter~~, subchapter and chapters 85 and 85A shall be as summary
32 as practicable consistent with the requirements of chapter 17A.

33 Sec. 1470. Section 86.19, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. The workers' compensation commissioner, or a deputy

1 commissioner, may appoint or may direct a party to furnish at
 2 the party's initial expense a certified shorthand reporter
 3 to be present and report, or to furnish mechanical means
 4 to record, and if necessary, transcribe proceedings of any
 5 contested case under this ~~chapter~~, subchapter and chapters 85
 6 and 85A and fix the reasonable amount of compensation for such
 7 service. The charges shall be taxed as costs and the party
 8 initially paying the expense of the presence or transcription
 9 shall be reimbursed. The reporter shall faithfully and
 10 accurately report the proceedings.

11 Sec. 1471. Section 86.24, subsection 1, Code 2023, is
 12 amended to read as follows:

13 1. Any party aggrieved by a decision, order, ruling, finding
 14 or other act of a deputy commissioner in a contested case
 15 proceeding arising under this ~~chapter~~ subchapter or chapter 85
 16 or 85A may appeal to the workers' compensation commissioner
 17 in the time and manner provided by rule. The hearing on an
 18 appeal shall be in Polk county unless the workers' compensation
 19 commissioner shall direct the hearing be held elsewhere.

20 Sec. 1472. Section 86.26, subsection 1, Code 2023, is
 21 amended to read as follows:

22 1. Judicial review of decisions or orders of the workers'
 23 compensation commissioner may be sought in accordance
 24 with chapter 17A. Notwithstanding chapter 17A, the Iowa
 25 administrative procedure Act, petitions for judicial review
 26 may be filed in the district court of the county in which the
 27 hearing under section 86.17 was held, the workers' compensation
 28 commissioner shall transmit to the reviewing court the original
 29 or a certified copy of the entire record of the contested case
 30 which is the subject of the petition within thirty days after
 31 receiving written notice from the party filing the petition
 32 that a petition for judicial review has been filed, and an
 33 application for stay of agency action during the pendency of
 34 judicial review shall not be filed in the division of workers'
 35 compensation ~~of the department of workforce development~~

1 but shall be filed with the district court. Such a review
2 proceeding shall be accorded priority over other matters
3 pending before the district court.

4 Sec. 1473. Section 86.29, Code 2023, is amended to read as
5 follows:

6 **86.29 The judicial review petition.**

7 Notwithstanding chapter 17A, the Iowa administrative
8 procedure Act, in a petition for judicial review of a decision
9 of the workers' compensation commissioner in a contested case
10 under this ~~chapter~~ subchapter or chapter 85, 85A, 85B, or 87,
11 the opposing party shall be named the respondent, and the
12 agency shall not be named as a respondent.

13 Sec. 1474. Section 86.39, Code 2023, is amended to read as
14 follows:

15 **86.39 Fees — approval.**

16 1. All fees or claims for legal, medical, hospital, and
17 burial services rendered under this ~~chapter~~ subchapter and
18 chapters 85, 85A, 85B, and 87 are subject to the approval of
19 the workers' compensation commissioner. For services rendered
20 in the district court and appellate courts, the attorney fee is
21 subject to the approval of a judge of the district court.

22 2. An attorney shall not recover fees for legal services
23 based on the amount of compensation voluntarily paid or agreed
24 to be paid to an employee for temporary or permanent disability
25 under this ~~chapter~~ subchapter, or chapter 85, 85A, 85B, or
26 87. An attorney shall only recover a fee based on the amount
27 of compensation that the attorney demonstrates would not have
28 been paid to the employee but for the efforts of the attorney.
29 Any disputes over the recovery of attorney fees under this
30 subsection shall be resolved by the workers' compensation
31 commissioner.

32 Sec. 1475. Section 86.43, Code 2023, is amended to read as
33 follows:

34 **86.43 Judgment — modification.**

35 Upon the presentation to the court of a file-stamped copy

1 of a decision of the workers' compensation commissioner,
2 ending, diminishing, or increasing the compensation under the
3 provisions of this ~~chapter~~ subchapter, the court shall revoke
4 or modify the decree or judgment to conform to such decision.

5 Sec. 1476. Section 86.44, Code 2023, is amended to read as
6 follows:

7 **86.44 Confidentiality.**

8 1. All verbal or written information relating to the subject
9 matter of an agreement and transmitted between any party to
10 a dispute and a mediator to resolve a dispute pursuant to
11 this ~~chapter~~ subchapter or chapter 85, 85A, or 85B, during
12 any stage of a mediation or a dispute resolution process
13 conducted by a mediator as provided in this section, whether
14 reflected in notes, memoranda, or other work products in the
15 case files, is a confidential communication except as otherwise
16 expressly provided in this chapter. Mediators involved in
17 a mediation or a dispute resolution process shall not be
18 examined in any judicial or administrative proceeding regarding
19 confidential communications and are not subject to judicial or
20 administrative process requiring the disclosure of confidential
21 communications.

22 2. For purposes of this section, "*mediator*" means a chief
23 deputy workers' compensation commissioner or deputy workers'
24 compensation commissioner acting in the capacity to resolve a
25 dispute pursuant to this ~~chapter~~ subchapter or chapter 85, 85A,
26 or 85B, or an employee of the division of workers' compensation
27 involved during any stage of a process to resolve a dispute.

28 Sec. 1477. CODE EDITOR DIRECTIVE.

29 1. The Code editor is directed to make the following
30 transfers:

- 31 a. Section 86.1 to section 10A.303.
- 32 b. Section 86.2 to section 10A.304.
- 33 c. Section 86.3 to section 10A.305.
- 34 d. Section 86.4 to section 10A.306.
- 35 e. Section 86.5 to section 10A.307.

- 1 f. Section 86.6 to section 10A.308.
- 2 g. Section 86.7 to section 10A.309.
- 3 h. Section 86.8 to section 10A.310.
- 4 i. Section 86.9 to section 10A.311.
- 5 j. Section 86.10 to section 10A.312.
- 6 k. Section 86.11 to section 10A.313.
- 7 l. Section 86.12 to section 10A.314.
- 8 m. Section 86.13 to section 10A.315.
- 9 n. Section 86.13A to section 10A.316.
- 10 o. Section 86.14 to section 10A.317.
- 11 p. Section 86.17 to section 10A.318.
- 12 q. Section 86.18 to section 10A.319.
- 13 r. Section 86.19 to section 10A.320.
- 14 s. Section 86.24 to section 10A.321.
- 15 t. Section 86.26 to section 10A.322.
- 16 u. Section 86.27 to section 10A.323.
- 17 v. Section 86.29 to section 10A.324.
- 18 w. Section 86.32 to section 10A.325.
- 19 x. Section 86.38 to section 10A.326.
- 20 y. Section 86.39 to section 10A.327.
- 21 z. Section 86.40 to section 10A.328.
- 22 aa. Section 86.41 to section 10A.329.
- 23 ab. Section 86.42 to section 10A.330.
- 24 ac. Section 86.43 to section 10A.331.
- 25 ad. Section 86.44 to section 10A.332.
- 26 ae. Section 86.45 to section 10A.333.

27 2. The Code editor is directed to rename article III in
28 chapter 10A as follows:

29 Article III shall be subchapter III and shall be entitled
30 "Workers' Compensation" and include sections 10A.301 through
31 10A.333.

32 3. The Code editor may modify subchapter titles if necessary
33 and is directed to correct internal references in the Code as
34 necessary due to enactment of this section.

35 LICENSING AND REGULATION ACTIVITIES

1 Sec. 1478. NEW SECTION. 10A.502 **Responsibilities.**

2 The director shall coordinate the department's conduct of
3 various licensing and regulatory functions of the state under
4 the administrative authority of the department including but
5 not limited to all of the following:

6 1. Licensing and regulation of certain fire control and
7 building code-related activities and professions.

8 2. Licensing and regulation of certain health-related
9 professions.

10 3. Licensing and regulation of certain business and
11 commerce-related professions.

12 Sec. 1479. NEW SECTION. 10A.511 **Fire control duties.**

13 The duties of the director as it relates to fire control
14 shall be as follows:

15 1. To enforce all laws, and the rules and regulations of the
16 department concerned with all of the following:

17 a. The prevention of fires.

18 b. The storage, transportation, handling, and use of
19 flammable liquids, combustibles, fireworks, and explosives.

20 c. The storage, transportation, handling, and use of liquid
21 petroleum gas.

22 d. The electric wiring and heating, and adequate means of
23 exit in case of fire, from churches, schools, hotels, theaters,
24 amphitheaters, asylums, hospitals, health care facilities as
25 defined in section 135C.1, college buildings, lodge halls,
26 public meeting places, and all other structures in which
27 persons congregate from time to time, whether publicly or
28 privately owned.

29 2. To promote fire safety and reduction of loss by fire
30 through educational methods.

31 3. To promulgate fire safety rules in consultation with the
32 state fire marshal. The director shall have exclusive right
33 to promulgate fire safety rules as they apply to enforcement
34 or inspection requirements by the department, but the rules
35 shall be promulgated pursuant to chapter 17A. Wherever by

1 any statute the director or the department is authorized
2 or required to promulgate, proclaim, or amend rules and
3 minimum standards regarding fire hazards or fire safety or
4 protection in any establishment, building, or structure, the
5 rules and standards shall promote and enforce fire safety,
6 fire protection, and the elimination of fire hazards as the
7 rules may relate to the use, occupancy, and construction
8 of the buildings, establishments, or structures. The word
9 "construction" shall include but is not limited to electrical
10 wiring, plumbing, heating, lighting, ventilation, construction
11 materials, entrances and exits, and all other physical
12 conditions of the building which may affect fire hazards,
13 safety, or protection. The rules and minimum standards shall
14 be in substantial compliance except as otherwise specifically
15 provided in this chapter, with the standards of the national
16 fire protection association relating to fire safety as
17 published in the national fire codes.

18 4. To adopt rules designating a fee to be assessed to
19 each building, structure, or facility for which a fire safety
20 inspection or plan review by the director is required by law.
21 The fee designated by rule shall be set in an amount that is
22 reasonably related to the costs of conducting the applicable
23 inspection or plan review. The fees collected by the
24 department shall be deposited in the general fund of the state.

25 5. To administer the fire extinguishing system contractor,
26 alarm system contractor, and alarm system installer
27 certification program established in chapter 100C.

28 6. To order the suspension of the use of consumer fireworks,
29 display fireworks, or novelties, as described in section 727.2,
30 if the state fire marshal determines that the use of such
31 devices would constitute a threat to public safety.

32 Sec. 1480. NEW SECTION. 10A.512 **Inspections.**

33 The director, and the director's designated subordinates,
34 in the performance of their duties under this part, shall have
35 authority to enter any building or premises and to examine the

1 same and the contents thereof.

2 Sec. 1481. NEW SECTION. 10A.533 **Enforcement.**

3 1. If any local board, as defined in section 135.1, shall
4 fail to enforce the rules of the department under this part or
5 carry out the department's lawful directions under this part,
6 the department may enforce the same within the territorial
7 jurisdiction of such local board, and for that purpose it may
8 exercise all of the powers given by statute to the local board,
9 and may employ the necessary assistants to carry out its lawful
10 directions.

11 2. All expenses incurred by the department in determining
12 whether its rules are enforced by a local board under this
13 part, and in enforcing the same when a local board has failed
14 to do so, shall be paid in the same manner as the expenses of
15 enforcing such rules when enforced by the local board.

16 3. All peace officers of the state when called upon by the
17 department shall enforce the department's rules under this part
18 and execute the lawful orders of the department under this part
19 within their respective jurisdictions.

20 Sec. 1482. NEW SECTION. 10A.534 **Penalties.**

21 1. Any person who knowingly violates any provision of this
22 part, or of the rules of the department under this part, or
23 any lawful order, written or oral, of the department or of its
24 officers, or authorized agents under this part, shall be guilty
25 of a simple misdemeanor.

26 2. Any person resisting or interfering with the department,
27 its employees, or authorized agents, in the discharge of any
28 duty imposed by law under this part shall be guilty of a simple
29 misdemeanor.

30 Sec. 1483. Section 12.83, Code 2023, is amended to read as
31 follows:

32 **12.83 School infrastructure fund moneys — ~~state fire marshal~~**
33 **allocation to department of inspections, appeals, and licensing.**

34 During the term of the school infrastructure program
35 established in section 292.2, up to fifty thousand dollars

1 of the moneys deposited each fiscal year in the school
 2 infrastructure fund shall be allocated each fiscal year to the
 3 department of ~~public safety~~ inspections, appeals, and licensing
 4 for the use of the ~~state fire marshal~~ department. The funds
 5 shall be used by the ~~state fire marshal~~ department solely
 6 for the purpose of retaining an architect or architectural
 7 firm to evaluate structures for which school infrastructure
 8 program grant applications are made, to consult with school
 9 district representatives, to review construction drawings and
 10 blueprints, and to perform related duties at the direction of
 11 the ~~state fire marshal~~ department to ensure the best possible
 12 use of moneys received by a school district under the school
 13 infrastructure program. The ~~state fire marshal~~ department
 14 shall provide for the review of plans, drawings, and blueprints
 15 in a timely manner.

16 Sec. 1484. Section 72.5, subsection 2, Code 2023, is amended
 17 to read as follows:

18 2. The director of the economic development authority,
 19 in consultation with the department of management, and the
 20 state building code commissioner, ~~and state fire marshal~~, shall
 21 develop standards and methods to evaluate design development
 22 documents and construction documents based upon life cycle cost
 23 factors to facilitate fair and uniform comparisons between
 24 design proposals and informed decision making by public bodies.

25 Sec. 1485. Section 88A.11, subsection 2, Code 2023, is
 26 amended to read as follows:

27 2. A concession booth, amusement device or ride which is
 28 owned and operated by a nonprofit religious, educational or
 29 charitable institution or association if such booth, device or
 30 ride is located within a building subject to inspection by the
 31 ~~state fire marshal~~ director or by any political subdivisions
 32 of the state under its building, fire, electrical, and related
 33 public safety ordinances.

34 Sec. 1486. Section 100.1, subsections 3, 4, 5, 6, and 7,
 35 Code 2023, are amended by striking the subsections.

1 Sec. 1487. Section 100.1, subsection 8, Code 2023, is
2 amended to read as follows:

3 8. To recommend to the director of the department of
4 inspections, appeals, and licensing, that the director order
5 the suspension of the use of consumer fireworks, display
6 fireworks, or novelties, as described in section 727.2, if the
7 fire marshal determines that the use of such devices would
8 constitute a threat to public safety.

9 Sec. 1488. Section 100.11, Code 2023, is amended to read as
10 follows:

11 **100.11 Fire escapes.**

12 It shall be the duty of the ~~fire-marshal~~ director to enforce
13 all laws relating to fire escapes.

14 Sec. 1489. Section 100.12, Code 2023, is amended to read as
15 follows:

16 **100.12 Authority for inspection — orders.**

17 The chief of a fire department or an authorized subordinate
18 who is trained in fire prevention safety standards may enter
19 a building or premises at a reasonable hour to examine the
20 building or premises and its contents. The examining official
21 shall order the correction of a condition which is in violation
22 of this chapter, a rule adopted under this chapter, or a
23 city or county fire safety ordinance. The order shall be
24 in writing or, if the danger is imminent, orally followed by
25 a written order. The examining official shall enforce the
26 order in accordance with the applicable law or ordinance. At
27 the request of the examining official the ~~state fire marshal~~
28 director may assist in an enforcement action.

29 Sec. 1490. Section 100.13, Code 2023, is amended to read as
30 follows:

31 **100.13 Violations — orders.**

32 1. If a person has violated or is violating a provision of
33 this chapter or a rule adopted pursuant to this chapter, the
34 ~~state fire marshal~~ director, the chief of any fire department,
35 or the fire prevention officer of a fire department organized

1 under chapter 400 may issue an order directing the person to
2 desist in the practice which constitutes the violation and
3 to take corrective action as necessary to ensure that the
4 violation will cease. The order shall be in writing and shall
5 specify a reasonable time by which the person shall comply
6 with the order. The person to whom the order is issued may
7 appeal the order as provided in chapter 17A. On appeal,
8 the administrative law judge may affirm, modify, or vacate
9 the order. Judicial review may be sought in accordance with
10 chapter 17A.

11 2. Notwithstanding any other provision of law to the
12 contrary, if the ~~state fire marshal~~ director determines that
13 an emergency exists respecting any matter affecting or likely
14 to affect the public safety, the ~~fire marshal~~ director may
15 issue any order necessary to terminate the emergency without
16 notice or hearing. An emergency order is binding and effective
17 immediately, until or unless the order is modified, vacated, or
18 stayed at an administrative hearing or by a district court.

19 Sec. 1491. Section 100.14, Code 2023, is amended to read as
20 follows:

21 **100.14 Legal proceedings — penalties — injunctive relief.**

22 At the request of the ~~state fire marshal~~ director, the
23 county attorney shall institute any legal proceedings on behalf
24 of the state necessary to obtain compliance or enforce the
25 penalty provisions of this chapter or rules or orders adopted
26 or issued pursuant to this chapter, including, but not limited
27 to, a legal action for injunctive relief. The county attorney
28 or any other attorney acting on behalf of the chief of a fire
29 department or a fire prevention officer may institute legal
30 proceedings, including, but not limited to, a legal action for
31 injunctive relief, to obtain compliance or enforce the penalty
32 provisions or orders issued pursuant to section 100.13.

33 Sec. 1492. Section 100.16, Code 2023, is amended to read as
34 follows:

35 **100.16 Judicial review — court costs.**

1 1. Judicial review of actions of the ~~fire-marshal~~ director
2 may be sought in accordance with the terms of the Iowa
3 administrative procedure Act pursuant to chapter 17A. If
4 legal proceedings have been instituted pursuant to section
5 100.14, all related issues which could otherwise be raised in
6 a proceeding for judicial review shall be raised in the legal
7 proceedings instituted pursuant to section 100.14.

8 2. Upon judicial review of the ~~fire-marshal's~~ director's
9 action, if the court affirms the agency action, the court
10 shall tax all court costs of the review proceeding against the
11 appellant. However, if the court reverses, revokes, or annuls
12 the ~~fire-marshal's~~ director's action, the court shall tax all
13 court costs of the review proceeding against the agency. If
14 the ~~fire-marshal's~~ director's action is modified or the matter
15 is remanded to the agency for further proceedings, the court
16 shall apportion the court costs within the discretion of the
17 court.

18 Sec. 1493. Section 100.18, subsections 2, 3, 4, 5, 6, and 7,
19 Code 2023, are amended to read as follows:

20 2. a. Except as provided in subsection 4, multiple-unit
21 residential buildings and single-family dwellings the
22 construction of which is begun on or after July 1, 1991, shall
23 include the installation of smoke detectors in compliance with
24 the rules established by the ~~state fire-marshal~~ director under
25 subsection 5.

26 b. The rules shall require the installation of smoke
27 detectors in existing single-family rental units and
28 multiple-unit residential buildings. Existing single-family
29 dwelling units shall be equipped with approved smoke detectors.
30 A person who files for a homestead credit pursuant to chapter
31 425 shall certify that the single-family dwelling unit for
32 which the credit is filed has a smoke detector installed in
33 compliance with this section, or that one will be installed
34 within thirty days of the date the filing for the credit is
35 made. The ~~state fire-marshal~~ director shall adopt rules and

1 establish appropriate procedures to administer this subsection.

2 *c.* An owner or an owner's agent of a multiple-unit
3 residential building or single-family dwelling shall supply
4 light-emitting smoke detectors, upon request, for a tenant who
5 is deaf or hard of hearing.

6 3. *a.* Multiple-unit residential buildings and single-family
7 dwellings, the construction of which is begun on or after
8 July 1, 2018, and that have a fuel-fired heater or appliance,
9 a fireplace, or an attached garage, shall include the
10 installation of carbon monoxide alarms in compliance with the
11 rules established by the ~~state fire marshal~~ director under
12 subsection 5.

13 *b.* The rules shall require the installation of carbon
14 monoxide alarms in existing single-family rental units and
15 multiple-unit residential buildings that have a fuel-fired
16 heater or appliance, a fireplace, or an attached garage.
17 Existing single-family dwellings that have a fuel-fired heater
18 or appliance, a fireplace, or an attached garage shall be
19 equipped with approved carbon monoxide alarms. For purposes
20 of this paragraph, "*approved carbon monoxide alarm*" means a
21 carbon monoxide alarm that meets the standards established by
22 the underwriters' laboratories or is approved by the ~~state fire~~
23 ~~marshal~~ director as established by rule under subsection 5. A
24 person who files for a homestead credit pursuant to chapter 425
25 shall certify that the single-family dwelling for which the
26 credit is filed and that has a fuel-fired heater or appliance,
27 a fireplace, or an attached garage, has carbon monoxide alarms
28 installed in compliance with this section, or that such alarms
29 will be installed within thirty days of the date the filing
30 for the credit is made. The ~~state fire marshal~~ director shall
31 adopt rules and establish appropriate procedures to administer
32 this subsection.

33 *c.* An owner of a multiple-unit residential building or
34 a single-family rental unit that has a fuel-fired heater or
35 appliance, a fireplace, or an attached garage, or an owner's

1 agent, shall supply light-emitting carbon monoxide alarms, upon
2 request, for a tenant who is deaf or hard of hearing.

3 *d.* The owner of a building requiring the installation of
4 carbon monoxide alarms under this subsection shall install
5 a carbon monoxide alarm in a location as specified by rules
6 established by the ~~state fire marshal~~ director under subsection
7 5, taking into account the number and location of all fuel
8 sources in the building.

9 4. This section does not require the following:

10 *a.* The installation of smoke detectors in multiple-unit
11 residential buildings which, on July 1, 1981, are equipped
12 with heat detection devices or a sprinkler system with alarms
13 approved by the ~~state fire marshal~~ director.

14 *b.* The installation of smoke detectors in hotels, motels,
15 and dormitories equipped with an automatic smoke detection
16 system approved by the ~~state fire marshal~~ director.

17 5. The ~~state fire marshal~~ director shall enforce the
18 requirements of subsections 2 and 3 and may implement a program
19 of inspections to monitor compliance with the provisions of
20 those subsections. Upon inspection, the ~~state fire marshal~~
21 director shall issue a written notice to the owner or manager
22 of a multiple-unit residential building or single-family
23 rental unit informing the owner or manager of compliance or
24 noncompliance with this section. The ~~state fire marshal~~
25 director may contract with any political subdivision without
26 fee assessed to either the ~~state fire marshal~~ director or the
27 political subdivision, for the performance of the inspection
28 and notification responsibilities. The inspections authorized
29 under this section are limited to the placement, repair, and
30 operability of smoke detectors and carbon monoxide alarms. Any
31 broader inspection authority is not derived from this section.
32 The ~~state fire marshal~~ director shall adopt rules under chapter
33 17A as necessary to enforce this section including rules
34 concerning the placement of smoke detectors and carbon monoxide
35 alarms and the use of acceptable smoke detectors and carbon

1 monoxide alarms. The smoke detectors and carbon monoxide
2 alarms shall display a label or other identification issued
3 by an approved testing agency or another label specifically
4 approved by the ~~state fire marshal~~ director.

5 6. The inspection of a building or notification of
6 compliance or noncompliance under this section is not the basis
7 for a legal cause of action against the political subdivision,
8 ~~state fire marshal~~ director, the ~~fire marshal's~~ director's
9 subordinates, chiefs of local fire departments, building
10 inspectors, or other fire, building, or safety officials due
11 to a failure to discover a latent defect in the course of the
12 inspection.

13 7. If a smoke detector or carbon monoxide alarm is found
14 to be inoperable, the owner or manager of the multiple-unit
15 residential building or single-family rental unit shall correct
16 the situation within thirty days after written notification
17 to the owner or manager by the tenant, guest, roomer, ~~state~~
18 ~~fire marshal~~ director, ~~fire marshal's~~ director's subordinates,
19 chiefs of local fire departments, building inspectors, or other
20 fire, building, or safety officials. If the owner or manager
21 of a multiple-unit residential building or single-family rental
22 unit fails to correct the situation within the thirty days
23 the tenant, guest, or roomer may cause the smoke detector or
24 carbon monoxide alarm to be repaired or purchase and install
25 a smoke detector or carbon monoxide alarm required under this
26 section and may deduct the repair cost or purchase price from
27 the next rental payment or payments made by the tenant, guest,
28 or roomer. However, a lessor or owner may require a lessee,
29 tenant, guest, or roomer who has a residency of longer than
30 thirty days to provide the battery for a battery operated smoke
31 detector or carbon monoxide alarm.

32 Sec. 1494. Section 100.19, subsection 2, paragraph a, Code
33 2023, is amended to read as follows:

34 a. The ~~state fire marshal~~ director shall establish a
35 consumer fireworks seller license. An application for a

1 consumer fireworks seller license shall be made on a form
 2 provided by the ~~state fire marshal~~ director. The ~~state fire~~
 3 ~~marshal~~ director shall adopt rules consistent with this section
 4 establishing minimum requirements for a retailer or community
 5 group to be issued a consumer fireworks seller license.

6 Sec. 1495. Section 100.19, subsection 3, paragraph a,
 7 unnumbered paragraph 1, Code 2023, is amended to read as
 8 follows:

9 The ~~state fire marshal~~ director shall establish a fee
 10 schedule for consumer fireworks seller licenses as follows:

11 Sec. 1496. Section 100.19, subsection 4, unnumbered
 12 paragraph 1, Code 2023, is amended to read as follows:

13 The ~~state fire marshal~~ director shall adopt rules to:

14 Sec. 1497. Section 100.19, subsections 6, 7, and 8, Code
 15 2023, are amended to read as follows:

16 6. a. The ~~state fire marshal~~ director shall adopt rules to
 17 provide that a person's consumer fireworks seller license may
 18 be revoked for the intentional violation of this section. The
 19 proceedings for revocation shall be held before the ~~division of~~
 20 ~~the state fire marshal~~ department, which may revoke the license
 21 or licenses involved as provided in paragraph "b".

22 b. (1) If, upon the hearing of the order to show cause, the
 23 ~~division of the state fire marshal~~ department finds that the
 24 licensee intentionally violated this section, then the license
 25 or licenses under which the licensed retailer or community
 26 group sells first-class consumer fireworks or second-class
 27 consumer fireworks, shall be revoked.

28 (2) Judicial review of actions of the ~~division of the state~~
 29 ~~fire marshal~~ department may be sought in accordance with the
 30 terms of the Iowa administrative procedure Act, chapter 17A.
 31 If the licensee has not filed a petition for judicial review
 32 in district court, revocation shall date from the thirty-first
 33 day following the date of the order of the ~~division of the~~
 34 ~~state fire marshal~~ department. If the licensee has filed a
 35 petition for judicial review, revocation shall date from the

1 thirty-first day following entry of the order of the district
2 court, if action by the district court is adverse to the
3 licensee.

4 (3) A new license shall not be issued to a person whose
5 license has been revoked, or to the business in control of the
6 premises on which the violation occurred if it is established
7 that the owner of the business had actual knowledge of the
8 violation resulting in the license revocation, for the period
9 of one year following the date of revocation.

10 7. a. A consumer fireworks fee fund is created in the
11 state treasury under the control of the ~~state fire marshal~~
12 director. Notwithstanding section 12C.7, interest or earnings
13 on moneys in the consumer fireworks fee fund shall be credited
14 to the consumer fireworks fee fund. Moneys in the fund are
15 appropriated to the ~~state fire marshal~~ director to be used to
16 fulfill the responsibilities of the ~~state fire marshal~~ director
17 for the administration and enforcement of this section and
18 section 100.19A and to provide grants pursuant to paragraph "b".
19 The fund shall include the fees collected by the ~~state fire~~
20 ~~marshal~~ director under the fee schedule established pursuant to
21 subsection 3 and the fees collected by the ~~state fire marshal~~
22 director under section 100.19A for wholesaler registration.

23 b. The ~~state fire marshal~~ director shall establish a local
24 fire protection and emergency medical service providers grant
25 program to provide grants in the following order of priority:

26 (1) Local fire protection service providers and local
27 emergency medical service providers to establish or provide
28 fireworks safety education programming to members of the
29 public, and for the purchase of necessary enforcement,
30 protection, or emergency response equipment related to the sale
31 and use of consumer fireworks in this state.

32 (2) Local volunteer fire protection service providers for
33 the purchase of necessary enforcement, protection, or emergency
34 response equipment.

35 8. The ~~state fire marshal~~ director shall adopt rules for the

1 administration of this section.

2 Sec. 1498. Section 100.19A, subsections 2 and 3, Code 2023,
3 are amended to read as follows:

4 2. The ~~state fire marshal~~ director shall adopt rules to
5 require all wholesalers to annually register with the ~~state~~
6 ~~fire marshal~~ director. The ~~state fire marshal~~ director
7 may also adopt rules to regulate the storage or transfer of
8 consumer fireworks by wholesalers and to require wholesalers
9 to maintain insurance.

10 3. The ~~state fire marshal~~ director shall establish an
11 annual registration fee of one thousand dollars for wholesalers
12 of consumer fireworks within the state. Registration fees
13 collected pursuant to this section shall be deposited in the
14 consumer fireworks fee fund created in section 100.19.

15 Sec. 1499. Section 100.31, Code 2023, is amended to read as
16 follows:

17 **100.31 Fire and tornado drills in schools — warning systems**
18 **— inspections.**

19 1. It shall be the duty of the ~~state fire marshal~~ director
20 and the ~~fire marshal's~~ director's designated subordinates to
21 require all private and public school officials and teachers to
22 conduct not less than four fire drills and not less than four
23 tornado drills in all school buildings during each school year
24 when school is in session; and to require the officials and
25 teachers of all schools to keep all doors and exits of their
26 respective rooms and buildings unlocked when occupied during
27 school hours or when such areas are being used by the public at
28 other times. Not less than two drills of each type shall be
29 conducted between July 1 and December 31 of each year and not
30 less than two drills of each type shall be conducted between
31 January 1 and June 30 of each year.

32 2. Every school building with two or more classrooms
33 shall have a warning system for fires of a type approved by
34 the underwriters' laboratories and by the ~~state fire marshal~~
35 director. The warning system shall be used only for fire

1 drills or as a warning for emergency. Schools may modify
2 the fire warning system for use as a tornado warning system
3 or shall install a separate tornado warning system. Every
4 school building shall also be equipped with portable fire
5 extinguishers, with the type, size and number in accordance
6 with national fire protection association standards and
7 approved by the ~~state fire marshal~~ director.

8 3. The ~~state fire marshal~~ director or the ~~fire marshal's~~
9 director's deputies shall cause each public or private school,
10 college, or university to be inspected at least once every two
11 years to determine whether each school meets the fire safety
12 standards of this Code and is free from other fire hazards.
13 Provided, however, that cities which employ fire department
14 inspectors shall cause such inspections to be made.

15 Sec. 1500. Section 100.35, Code 2023, is amended to read as
16 follows:

17 **100.35 Rules of ~~marshal~~ director — penalties.**

18 1. The ~~fire marshal~~ director shall adopt, and may amend
19 rules under chapter 17A, which include standards relating
20 to exits and exit lights, fire escapes, fire protection,
21 fire safety and the elimination of fire hazards, in and for
22 churches, schools, hotels, theaters, amphitheaters, hospitals,
23 health care facilities as defined in section 135C.1, boarding
24 homes or housing, rest homes, dormitories, college buildings,
25 lodge halls, club rooms, public meeting places, places of
26 amusement, apartment buildings, food establishments as defined
27 in section 137F.1, and all other buildings or structures in
28 which persons congregate from time to time, whether publicly
29 or privately owned. Violation of a rule adopted by the ~~fire~~
30 ~~marshal~~ director is a simple misdemeanor. However, upon
31 proof that the ~~fire marshal~~ director gave written notice to
32 the defendant of the violation, and proof that the violation
33 constituted a clear and present danger to life, and proof that
34 the defendant failed to eliminate the condition giving rise
35 to the violation within thirty days after receipt of notice

1 from the ~~fire-marshal~~ director, the penalty is that provided
2 by law for a serious misdemeanor. Each day of the continuing
3 violation of a rule after conviction of a violation of the rule
4 is a separate offense. A conviction is subject to appeal as in
5 other criminal cases.

6 2. Rules by the ~~fire-marshal~~ director affecting the
7 construction of new buildings, additions to buildings or
8 rehabilitation of existing buildings and related to fire
9 protection, shall be substantially in accord with the
10 provisions of the nationally recognized building and related
11 codes adopted as the state building code pursuant to section
12 103A.7 or with codes adopted by a local subdivision which are
13 in substantial accord with the codes comprising the state
14 building code.

15 3. The rules adopted by the ~~state fire-marshal~~ director
16 under this section shall provide standards for fire resistance
17 of cellulose insulation sold or used in this state, whether for
18 public or private use. The rules shall provide for approval of
19 the cellulose insulation by at least one nationally recognized
20 independent testing laboratory.

21 Sec. 1501. Section 100.38, Code 2023, is amended to read as
22 follows:

23 **100.38 Conflicting statutes.**

24 Provisions of this ~~chapter~~ part in conflict with the state
25 building code, as adopted pursuant to section 103A.7, shall not
26 apply where the state building code has been adopted or when
27 the state building code applies throughout the state.

28 Sec. 1502. Section 100.39, subsections 1, 2, and 3, Code
29 2023, are amended to read as follows:

30 1. All buildings approved for construction after July 1,
31 1998, that exceed four stories in height, or seventy-five feet
32 above grade, shall require the installation of an approved
33 automatic fire extinguishing system designed and installed in
34 conformity with rules promulgated by the ~~state fire-marshal~~
35 director pursuant to this ~~chapter~~ part.

1 2. The requirements of this section shall not apply to the
2 following:

3 a. Any noncombustible elevator storage structure or any
4 noncombustible plant building with noncombustible contents.

5 b. Any combustible elevator storage structure that is
6 equipped with an approved drypipe, nonautomatic sprinkler and
7 automatic alarm system.

8 c. Buildings in existence or under construction on August
9 15, 1975. However, if subsequent to that date any building is
10 enlarged or altered beyond the height limitations applicable to
11 new buildings, such building in its entirety shall be subject
12 to all the provisions of this section.

13 d. Any open parking garage structure which is in compliance
14 with rules adopted by the ~~state fire marshal~~ director.

15 3. Plans and installation of systems shall be approved by
16 the ~~state fire marshal~~ director, a designee of the ~~state fire~~
17 ~~marshal~~ director, or local authorities having jurisdiction.
18 Except where local fire protection regulations are more
19 stringent, the provisions of this section shall be applicable
20 to all buildings, whether privately or publicly owned. The
21 definition of terms shall be in conformity, insofar as
22 possible, with definitions found in the state building code
23 adopted pursuant to section 103A.7.

24 Sec. 1503. Section 100.41, Code 2023, is amended to read as
25 follows:

26 **100.41 Authority to cite violations.**

27 Fire officials acting under the authority of this ~~chapter~~
28 part may issue citations in accordance with chapter 805, for
29 violations of this ~~chapter~~ part or a violation of a local fire
30 safety code.

31 Sec. 1504. Section 100C.1, Code 2023, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. 8A. "*Department*" means the department of
34 inspections, appeals, and licensing.

35 NEW SUBSECTION. 8B. "*Director*" means the director of

1 the department of inspections, appeals, and licensing or the
2 director's designee.

3 Sec. 1505. Section 100C.1, subsection 14, Code 2023, is
4 amended to read as follows:

5 14. "*Responsible managing employee*" means one of the
6 following:

7 a. An owner, partner, officer, or manager employed full-time
8 by a fire extinguishing system contractor who is certified
9 by the national institute for certification in engineering
10 technologies at a level three in fire protection technology,
11 automatic sprinkler system layout, or another certification in
12 automatic sprinkler system layout recognized by rules adopted
13 by the ~~fire-marshal~~ director pursuant to section 100C.7 or who
14 meets any other criteria established by rule.

15 b. An owner, partner, officer, or manager employed full-time
16 by an alarm system contractor who is certified by the national
17 institute for certification in engineering technologies in fire
18 alarm systems or security systems at a level established by the
19 ~~fire-marshal~~ director by rule or who meets any other criteria
20 established by rule under this chapter. The rules may provide
21 for separate endorsements for fire alarm systems, security
22 alarm systems, and nurse call systems and may require separate
23 qualifications for each.

24 Sec. 1506. Section 100C.2, subsection 4, paragraph b, Code
25 2023, is amended to read as follows:

26 b. An employee or subcontractor of a certified alarm system
27 contractor who is an alarm system installer, and who is not
28 licensed pursuant to chapter 103 shall obtain and maintain
29 certification as an alarm system installer and shall meet and
30 maintain qualifications established by the ~~state fire-marshal~~
31 director by rule.

32 Sec. 1507. Section 100C.3, subsections 1, 3, and 5, Code
33 2023, are amended to read as follows:

34 1. A fire extinguishing system contractor, an alarm system
35 contractor, or an alarm system installer shall apply for a

1 certificate on a form prescribed by the ~~state fire marshal~~
2 director. The application shall be accompanied by a fee in an
3 amount prescribed by rule pursuant to section 100C.7 and shall
4 include all of the following information, as applicable:

5 a. The name, address, and telephone number of the contractor
6 or installer and, in the case of an installer, the name and
7 certification number of the contractor by whom the installer is
8 employed, including all legal and fictitious names.

9 b. Proof of insurance coverage required by section 100C.4.

10 c. The name and qualifications of the person designated as
11 the contractor's responsible managing employee and of persons
12 designated as alternate responsible managing employees.

13 d. Any other information deemed necessary by the ~~state fire~~
14 ~~marshal~~ director.

15 3. Upon receipt of a completed application and prescribed
16 fees, if the contractor or installer meets all requirements
17 established by this chapter, the ~~state fire marshal~~ director
18 shall issue a certificate to the contractor or installer within
19 thirty days.

20 5. Any change in the information provided in the application
21 shall be promptly reported to the ~~state fire marshal~~ director.
22 When the employment of a responsible managing employee is
23 terminated, the contractor shall notify the ~~state fire marshal~~
24 director within thirty days after termination.

25 Sec. 1508. Section 100C.4, Code 2023, is amended to read as
26 follows:

27 **100C.4 Insurance.**

28 1. A fire extinguishing system contractor shall maintain
29 general and complete operations liability insurance for
30 the layout, installation, repair, alteration, addition,
31 maintenance, and inspection of automatic fire extinguishing
32 systems in an amount determined by the ~~state fire marshal~~
33 director by rule.

34 2. An alarm system contractor shall maintain general
35 and complete operations liability insurance for the layout,

1 installation, repair, alteration, addition, maintenance, and
2 inspection of alarm systems in an amount determined by the
3 ~~state fire marshal~~ director by rule.

4 Sec. 1509. Section 100C.5, Code 2023, is amended to read as
5 follows:

6 **100C.5 Suspension and revocation.**

7 1. The ~~state fire marshal~~ director shall suspend or revoke
8 the certificate of any contractor or installer who fails to
9 maintain compliance with the conditions necessary to obtain a
10 certificate. A certificate may also be suspended or revoked
11 if any of the following occur:

12 a. The employment or relationship of a responsible managing
13 employee with a contractor is terminated, unless the contractor
14 has included a qualified alternate on the application or an
15 application designating a new responsible managing employee is
16 filed with the ~~state fire marshal~~ director within six months
17 after the termination.

18 b. The contractor or installer fails to comply with any
19 provision of this chapter.

20 c. The contractor or installer fails to comply with any
21 other applicable codes and ordinances.

22 2. If a certificate is suspended pursuant to this section,
23 the certificate shall not be reinstated until the condition or
24 conditions which led to the suspension have been corrected.

25 3. The ~~state fire marshal~~ director shall adopt rules
26 pursuant to section 100C.7 for the acceptance and processing
27 of complaints against certificate holders, for procedures to
28 suspend and revoke certificates, and for appeals of decisions
29 to suspend or revoke certificates.

30 Sec. 1510. Section 100C.7, Code 2023, is amended to read as
31 follows:

32 **100C.7 Administration — rules.**

33 The ~~state fire marshal~~ director shall administer this
34 chapter and, after consultation with the fire extinguishing
35 system contractors and alarm systems advisory board, shall

1 adopt rules pursuant to chapter 17A necessary for the
2 administration and enforcement of this chapter.

3 Sec. 1511. Section 100C.8, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. The ~~state fire marshal~~ director may impose a civil
6 penalty of up to five hundred dollars on any person who
7 violates any provision of this chapter for each day a violation
8 continues. The ~~state fire marshal~~ director may adopt rules
9 necessary to enforce and collect any penalties imposed pursuant
10 to this chapter.

11 Sec. 1512. Section 100C.9, Code 2023, is amended to read as
12 follows:

13 **100C.9 Deposit and use of moneys collected.**

14 1. All fees assessed pursuant to this chapter shall be
15 retained as repayment receipts by the ~~division of state fire~~
16 ~~marshal in the department of public safety~~ and such fees
17 received shall be used exclusively to offset the costs of
18 administering this chapter.

19 2. Notwithstanding section 8.33, fees collected by
20 the ~~division of state fire marshal~~ department that remain
21 unencumbered or unobligated at the close of the fiscal year
22 shall not revert but shall remain available for expenditure for
23 the purposes designated in succeeding fiscal years.

24 Sec. 1513. Section 100C.10, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. A fire extinguishing system contractors and alarm
27 systems advisory board is established in the ~~division of state~~
28 ~~fire marshal of the department of public safety~~ and shall
29 advise the ~~division~~ department on matters pertaining to the
30 application and certification of contractors and installers
31 pursuant to this chapter.

32 Sec. 1514. Section 100C.10, subsection 2, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

34 The board shall consist of eleven voting members appointed
35 by the ~~commissioner of public safety~~ director as follows:

1 Sec. 1515. Section 100C.10, subsections 3 and 4, Code 2023,
2 are amended to read as follows:

3 3. The state fire marshal, or the state fire marshal's
4 designee, the director, and the chairperson of the electrical
5 examining board created in section 103.2 shall be nonvoting ex
6 officio members of the board.

7 4. ~~The commissioner shall initially appoint two members~~
8 ~~for two-year terms, two members for four-year terms, and three~~
9 ~~members for six-year terms. Following the expiration of the~~
10 ~~terms of initially appointed members, each~~ Each term thereafter
11 shall be for a period of six years. No member shall serve
12 more than two consecutive terms. If a position on the board
13 becomes vacant prior to the expiration of a member's term, the
14 member appointed to the vacancy shall serve the balance of the
15 unexpired term.

16 Sec. 1516. Section 100D.1, subsections 2 and 10, Code 2023,
17 are amended to read as follows:

18 2. "*Department*" means the department of ~~public safety~~
19 inspections, appeals, and licensing.

20 10. "*Responsible managing employee*" means an owner, partner,
21 officer, or manager employed full-time by a fire extinguishing
22 system contractor who is certified by the national institute
23 for certification in engineering technologies at a level three
24 in fire protection technology, automatic sprinkler system
25 layout, or another certification in automatic sprinkler system
26 layout recognized by rules adopted by the ~~fire marshal~~ director
27 pursuant to section 100C.7 or who meets any other criteria
28 established by rule.

29 Sec. 1517. Section 100D.1, subsection 3, Code 2023, is
30 amended by striking the subsection and inserting in lieu
31 thereof the following:

32 3. "*Director*" means the director of the department of
33 inspections, appeals, and licensing or the director's designee.

34 Sec. 1518. Section 100D.2, subsection 4, Code 2023, is
35 amended to read as follows:

1 4. Licenses shall be issued for a two-year period, and may
2 be renewed as established by the ~~state fire marshal~~ director
3 by rule.

4 Sec. 1519. Section 100D.3, Code 2023, is amended to read as
5 follows:

6 **100D.3 Fire protection system installer and maintenance**
7 **worker license.**

8 1. The ~~state fire marshal~~ director shall issue a fire
9 protection system installer and maintenance worker license to
10 an applicant who meets all of the following requirements:

11 a. Has completed a fire protection apprenticeship program
12 approved by the United States department of labor, or has
13 completed two years of full-time employment or the equivalent
14 thereof as a trainee.

15 b. Is employed by a fire extinguishing system contractor.
16 However, an applicant whose work on extinguishing systems will
17 be restricted to systems on property owned or controlled by the
18 applicant's employer may obtain a license if the employer is
19 not a certified contractor.

20 c. Has received a passing score on the national inspection,
21 testing, and certification star fire sprinkler mastery
22 exam or on an equivalent exam from a nationally recognized
23 third-party testing agency that is approved by the ~~state fire~~
24 ~~marshal~~ director, or is certified at level one by the national
25 institute for certification in engineering technologies and as
26 specified by rule by the ~~state fire marshal~~ director, or is
27 certified by another entity approved by the fire marshal.

28 2. The ~~state fire marshal~~ director shall issue a fire
29 protection system installer and maintenance worker license
30 with endorsements restricted to preengineered fire protection
31 systems to an applicant who does not meet the requirements of
32 subsection 1 but does meet the following requirements:

33 a. To be endorsed as a preengineered kitchen fire
34 extinguishing system installer, has successfully completed
35 training and an examination verified by a preengineered system

1 manufacturer, an agent of a preengineered system manufacturer,
2 or an organization that is approved by the ~~state fire marshal~~
3 director.

4 *b.* To be endorsed as a preengineered kitchen fire
5 extinguishing system maintenance worker, has successfully
6 completed training by the worker's employer or the system's
7 manufacturer and has passed a written or online examination for
8 preengineered kitchen fire extinguishing system maintenance
9 that is approved by the ~~state fire marshal~~ director.

10 *c.* To be endorsed as a preengineered industrial fire
11 extinguishing system installer, possesses a training and
12 examination certification from a preengineered system
13 manufacturer, an agent of a preengineered system manufacturer,
14 or an organization that is approved by the ~~state fire marshal~~
15 director.

16 *d.* To be endorsed as a preengineered industrial fire
17 extinguishing system maintenance worker, has been trained
18 by the worker's employer and has passed a written or online
19 examination for preengineered industrial fire extinguishing
20 system maintenance that is approved by the ~~state fire marshal~~
21 director.

22 3. The holder of a fire protection system installer and
23 maintenance worker license shall be responsible for license
24 fees, renewal fees, and continuing education hours.

25 4. The license of a fire protection system installer
26 and maintenance worker licensee who ceases to be employed
27 by a fire extinguishing system contractor shall continue to
28 be valid until it would otherwise expire, but the licensee
29 shall not perform work requiring licensure under this chapter
30 until the licensee is again employed by a fire extinguishing
31 system contractor. If the licensee becomes employed by a fire
32 extinguishing system contractor other than the contractor which
33 employed the licensee at the time the license was issued, the
34 licensee shall notify the ~~fire marshal~~ director and shall apply
35 for an amendment to the license. The ~~fire marshal~~ director

1 may establish by rule a fee for amending a license. This
2 subsection shall not extend the time period during which a
3 license is valid. This subsection does not apply to a licensee
4 whose work on extinguishing systems is restricted to systems on
5 property owned or controlled by the licensee's employer.

6 5. The ~~fire-marshall~~ director, by rule, may restrict
7 the scope of work authorized by a license with appropriate
8 endorsements.

9 Sec. 1520. Section 100D.4, subsections 1 and 3, Code 2023,
10 are amended to read as follows:

11 1. An applicant for a fire protection system installer and
12 maintenance worker license or renewal of an active license
13 shall provide evidence of a public liability insurance policy
14 and surety bond in an amount determined sufficient by the ~~fire~~
15 ~~marshal~~ director by rule.

16 3. The insurance and surety bond shall be written by an
17 entity licensed to do business in this state and each licensee
18 shall maintain on file with the department a certificate
19 evidencing the insurance providing that the insurance or surety
20 bond shall not be canceled without the entity first giving
21 fifteen days written notice to the ~~fire-marshall~~ director.

22 Sec. 1521. Section 100D.5, unnumbered paragraph 1, Code
23 2023, is amended to read as follows:

24 The ~~state-fire-marshall~~ director shall do all of the
25 following:

26 Sec. 1522. Section 100D.6, Code 2023, is amended to read as
27 follows:

28 **100D.6 Penalties.**

29 The ~~state-fire-marshall~~ director may impose a civil penalty
30 of up to five hundred dollars on any person who violates any
31 provision of this chapter for each day a violation continues.
32 The ~~state-fire-marshall~~ director may adopt rules necessary to
33 enforce and collect any penalties imposed pursuant to this
34 chapter.

35 Sec. 1523. Section 100D.7, Code 2023, is amended to read as

1 follows:

2 **100D.7 Deposit and use of moneys collected.**

3 1. The ~~state fire marshal~~ director shall set the license
4 fees and renewal fees for all licenses issued pursuant to this
5 chapter, by rule, based upon the actual costs of licensing.

6 2. All fees assessed pursuant to this chapter shall be
7 retained as repayment receipts by the ~~division of state fire~~
8 ~~marshal in the~~ department of ~~public safety~~ and such fees
9 received shall be used exclusively to offset the costs of
10 administering this chapter.

11 3. Notwithstanding section 8.33, fees collected by
12 the ~~division of state fire marshal~~ department that remain
13 unencumbered or unobligated at the close of the fiscal year
14 shall not revert but shall remain available for expenditure
15 for the purposes designated until the close of the succeeding
16 fiscal year.

17 Sec. 1524. Section 100D.10, Code 2023, is amended to read
18 as follows:

19 **100D.10 Reciprocal licenses.**

20 To the extent that another state provides for the licensing
21 of fire protection system installers and maintenance workers
22 or similar action, the ~~state fire marshal~~ director may issue
23 a fire protection system installer and maintenance worker
24 license, without examination, to a nonresident fire protection
25 system installer and maintenance worker who has been licensed
26 by such other state for at least three years provided such
27 other state grants the same reciprocal licensing privileges to
28 residents of Iowa who have obtained a fire protection system
29 installer and maintenance worker license upon payment by
30 the applicant of the required fee and upon furnishing proof
31 that the qualifications of the applicant are equal to the
32 qualifications of holders of similar licenses in this state.

33 Sec. 1525. Section 100D.13, subsections 1 and 2, Code 2023,
34 are amended to read as follows:

35 1. The ~~state fire marshal~~ director may issue a temporary

1 fire protection system installer and maintenance worker license
2 to a person, providing that all of the following conditions are
3 met:

4 a. The person is currently licensed or certified to perform
5 work as a fire protection system installer and maintenance
6 worker in another state.

7 b. The person meets any additional criteria for a temporary
8 license established by the ~~state fire marshal~~ director by rule.

9 c. The person provides all information required by the ~~state~~
10 ~~fire marshal~~ director.

11 d. The person has paid the fee for a temporary license,
12 which fee shall be established by the ~~state fire marshal~~
13 director by rule.

14 e. The person intends to perform work as a fire protection
15 system installer and maintenance worker only in areas of this
16 state which are covered by a disaster emergency declaration
17 issued by the governor pursuant to section 29C.6.

18 2. A temporary license issued pursuant to this section shall
19 be valid for ninety days. The ~~state fire marshal~~ director may
20 establish criteria and procedures for the extension of such
21 licenses for additional periods, which in no event shall exceed
22 ninety days.

23 Sec. 1526. Section 101.1, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. The ~~state fire marshal~~ director is hereby empowered and
26 directed to formulate and adopt and from time to time amend or
27 revise and to promulgate, in conformity with and subject to the
28 conditions set forth in this chapter, reasonable rules for the
29 safe transportation, storage, handling, and use of combustible
30 liquids, flammable liquids, liquefied petroleum gases, and
31 liquefied natural gases.

32 Sec. 1527. Section 101.1, subsection 2, Code 2023, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. *Ob.* "Director" means the director of the
35 department of inspections, appeals, and licensing or the

1 director's designee.

2 Sec. 1528. Section 101.5A, Code 2023, is amended to read as
3 follows:

4 **101.5A Shared public petroleum storage facilities.**

5 The ~~state fire marshal~~ director shall permit by rule the
6 shared ownership, operation, or cooperative use of a publicly
7 owned petroleum storage or dispensing facility by more than one
8 public agency or political subdivision in order to maximize the
9 opportunity for cooperation, to avoid unnecessary duplication
10 of facilities posing both an environmental and fire hazard,
11 and to minimize the cost of providing public services. Shared
12 or cooperative use is not a violation of chapter 23A, even
13 if one public agency or political subdivision compensates
14 another public agency or political subdivision for the use or
15 for petroleum dispensed. A publicly owned petroleum storage
16 facility subject to this section may use aboveground or
17 underground storage tanks, or a combination of both.

18 Sec. 1529. Section 101.8, Code 2023, is amended to read as
19 follows:

20 **101.8 Assistance by local officials.**

21 The chief fire prevention officer of every city or village
22 having an established fire prevention department, the chief of
23 the fire department of every other city or village in which
24 a fire department is established, the mayor of every city in
25 which no fire department exists, the township clerk of every
26 township outside the limits of any city or village and all
27 other local officials upon whom fire prevention duties are
28 imposed by law shall assist the ~~state fire marshal~~ director in
29 the enforcement of the rules.

30 Sec. 1530. Section 101.9, Code 2023, is amended to read as
31 follows:

32 **101.9 Repairs ordered by ~~fire marshal~~ director.**

33 If the ~~state fire marshal~~ director has reasonable grounds
34 for believing after conducting tests that a leak exists in
35 a flammable or combustible liquid storage tank or in the

1 distribution system of a flammable or combustible liquid
2 storage tank the ~~state fire marshal~~ director shall issue a
3 written order to the owner or lessee of the storage tank or
4 distribution system requiring the storage tank and distribution
5 system be emptied and removed or repaired immediately upon
6 receipt of the written order.

7 Sec. 1531. Section 101.10, Code 2023, is amended to read as
8 follows:

9 **101.10 Assistance of department of natural resources.**

10 If the ~~state fire marshal~~ director has reasonable grounds
11 for believing that a leak constitutes a hazardous condition
12 which threatens the public health and safety, the ~~fire marshal~~
13 director may request the assistance of the department of
14 natural resources, and upon such request the department of
15 natural resources is empowered to eliminate the hazardous
16 condition as provided in chapter 455B, subchapter IV, part
17 4, the provisions of section 455B.390, subsection 3, to the
18 contrary notwithstanding.

19 Sec. 1532. Section 101.12, subsections 1 and 2, Code 2023,
20 are amended to read as follows:

21 1. An aboveground flammable or combustible liquid storage
22 tank may be installed at a retail motor vehicle fuel outlet,
23 subject to rules adopted by the ~~state fire marshal~~ director.

24 2. Rules adopted by the ~~state fire marshal~~ director
25 pursuant to this section shall be in substantial compliance
26 with the applicable standards of the national fire protection
27 association.

28 Sec. 1533. Section 101.21, subsection 6, Code 2023, is
29 amended by striking the subsection.

30 Sec. 1534. Section 101.22, subsections 1, 2, 3, 4, and 7,
31 Code 2023, are amended to read as follows:

32 1. Except as provided in subsection 2, the owner or operator
33 of an aboveground flammable or combustible liquid storage tank
34 existing on July 1, 2010, shall notify the ~~state fire marshal~~
35 director in writing by October 1, 2010, of the existence of

1 each tank and specify the age, size, type, location, and uses
2 of the tank.

3 2. The owner of an aboveground flammable or combustible
4 liquid storage tank taken out of operation on or before July 1,
5 2010, shall notify the ~~state fire marshal~~ director in writing
6 by October 1, 2010, of the existence of the tank unless the
7 owner knows the tank has been removed from the site. The
8 notice shall specify, to the extent known to the owner, the
9 date the tank was taken out of operation, the age of the
10 tank on the date taken out of operation, the size, type, and
11 location of the tank, and the type and quantity of substances
12 left stored in the tank on the date that it was taken out of
13 operation.

14 3. An owner or operator who brings into use an aboveground
15 flammable or combustible liquid storage tank after July 1,
16 2010, shall notify the ~~state fire marshal~~ director in writing
17 within thirty days of the existence of the tank and specify the
18 age, size, type, location, and uses of the tank.

19 4. The registration notice of the owner or operator to the
20 ~~state fire marshal~~ director under subsections 1 through 3 shall
21 be accompanied by an annual fee of twenty dollars for each tank
22 included in the notice. All moneys collected shall be retained
23 by the department of ~~public safety~~ inspections, appeals, and
24 licensing and are appropriated for the use of the ~~state fire~~
25 ~~marshal~~ director. The annual renewal fee applies to all owners
26 or operators who file a registration notice with the state fire
27 marshal pursuant to subsections 1 through 3.

28 7. a. The ~~state fire marshal~~ director shall furnish the
29 owner or operator of an aboveground flammable or combustible
30 liquid storage tank with a registration tag for each
31 aboveground flammable or combustible liquid storage tank
32 registered with the ~~state fire marshal~~ director.

33 b. The owner or operator shall affix the tag to the fill
34 pipe of each registered aboveground flammable or combustible
35 liquid storage tank.

1 Sec. 1535. Section 101.23, Code 2023, is amended to read as
2 follows:

3 **101.23 ~~State fire marshal~~ Director reporting rules.**

4 The ~~state fire marshal~~ director shall adopt rules pursuant
5 to chapter 17A relating to reporting requirements necessary to
6 enable the ~~state fire marshal~~ director to maintain an accurate
7 inventory of aboveground flammable or combustible liquid
8 storage tanks.

9 Sec. 1536. Section 101.24, Code 2023, is amended to read as
10 follows:

11 **101.24 Duties and powers of the ~~state fire marshal~~ director.**

12 The ~~state fire marshal~~ director shall:

13 1. Inspect and investigate the facilities and records of
14 owners and operators of aboveground flammable or combustible
15 liquid storage tanks with a capacity of fifteen thousand or
16 more gallons, as necessary to determine compliance with this
17 subchapter and the rules adopted pursuant to this subchapter.
18 An inspection or investigation shall be conducted subject to
19 subsection 4. For purposes of developing a rule, maintaining
20 an accurate inventory, or enforcing this subchapter, the
21 department of inspections, appeals, and licensing may:

22 a. Enter at reasonable times an establishment or other place
23 where an aboveground storage tank is located.

24 b. Inspect and obtain samples from any person of flammable
25 or combustible liquid or another regulated substance and
26 conduct monitoring or testing of the tanks, associated
27 equipment, contents, or surrounding soils, air, surface water,
28 and groundwater. Each inspection shall be commenced and
29 completed with reasonable promptness.

30 (1) If the ~~state fire marshal~~ director obtains a sample,
31 prior to leaving the premises, the ~~fire marshal~~ director
32 shall give the owner, operator, or agent in charge a receipt
33 describing the sample obtained and if requested a portion of
34 each sample equal in volume or weight to the portion retained.
35 If the sample is analyzed, a copy of the results of the

1 analysis shall be furnished promptly to the owner, operator,
2 or agent in charge.

3 (2) Documents or information obtained from a person under
4 this subsection shall be available to the public except as
5 provided in this subparagraph. Upon a showing satisfactory
6 to the ~~state fire marshal~~ director by a person that public
7 disclosure of documents or information, or a particular
8 part of the documents or information to which the ~~state fire~~
9 ~~marshal~~ director has access under this subsection would divulge
10 commercial or financial information entitled to protection as a
11 trade secret, the ~~state fire marshal~~ director shall consider
12 the documents or information or the particular portion of the
13 documents or information confidential. However, the documents
14 or information may be disclosed to officers, employees, or
15 authorized representatives of the United States charged with
16 implementing the federal Solid Waste Disposal Act, to employees
17 of the state of Iowa or of other states when the document or
18 information is relevant to the discharge of their official
19 duties, and when relevant in a proceeding under the federal
20 Solid Waste Disposal Act or this subchapter.

21 2. Maintain an accurate inventory of aboveground flammable
22 or combustible liquid storage tanks.

23 3. Take any action allowed by law which, in the ~~state fire~~
24 ~~marshal's~~ director's judgment, is necessary to enforce or
25 secure compliance with this subchapter or any rule adopted
26 pursuant to this subchapter.

27 4. Conduct investigations of complaints received directly,
28 referred by other agencies, or other investigations deemed
29 necessary. While conducting an investigation, the ~~state fire~~
30 ~~marshal~~ director may enter at any reasonable time in and upon
31 any private or public property to investigate any actual or
32 possible violation of this subchapter or the rules or standards
33 adopted under this subchapter. However, the owner or person in
34 charge shall be notified.

35 a. If the owner or operator of any property refuses

1 admittance, or if prior to such refusal the ~~state fire marshal~~
2 director demonstrates the necessity for a warrant, the state
3 fire marshal may make application under oath or affirmation
4 to the district court of the county in which the property is
5 located for the issuance of a search warrant.

6 *b.* In the application the ~~state fire marshal~~ director shall
7 state that an inspection of the premises is mandated by the
8 laws of this state or that a search of certain premises, areas,
9 or things designated in the application may result in evidence
10 tending to reveal the existence of violations of public health,
11 safety, or welfare requirements imposed by statutes, rules, or
12 ordinances established by the state or a political subdivision
13 of the state. The application shall describe the area,
14 premises, or thing to be searched, give the date of the last
15 inspection if known, give the date and time of the proposed
16 inspection, declare the need for such inspection, recite that
17 notice of the desire to make an inspection has been given to
18 affected persons and that admission was refused if that be the
19 fact, and state that the inspection has no purpose other than
20 to carry out the purpose of the statute, rule, or ordinance
21 pursuant to which inspection is to be made. If an item of
22 property is sought by the ~~state fire marshal~~ director, it shall
23 be identified in the application.

24 *c.* If the court is satisfied from the examination of
25 the applicant, and of other witnesses, if any, and of the
26 allegations of the application of the existence of the grounds
27 of the application, or that there is probable cause to believe
28 in their existence, the court may issue a search warrant.

29 *d.* In making inspections and searches pursuant to the
30 authority of this subchapter, the ~~state fire marshal~~ director
31 must execute the warrant as follows:

32 (1) Within ten days after its date.

33 (2) In a reasonable manner, and any property seized shall
34 be treated in accordance with the provisions of chapters 808
35 and 809.

1 (3) Subject to any restrictions imposed by the statute, rule
2 or ordinance pursuant to which inspection is made.

3 Sec. 1537. Section 101.25, Code 2023, is amended to read as
4 follows:

5 **101.25 Violations — orders.**

6 1. If substantial evidence exists that a person has
7 violated or is violating a provision of this subchapter or
8 a rule adopted under this subchapter the ~~state fire marshal~~
9 director may issue an order directing the person to desist
10 in the practice which constitutes the violation, and to take
11 corrective action as necessary to ensure that the violation
12 will cease, and may impose appropriate administrative penalties
13 pursuant to section 101.26. The person to whom the order is
14 issued may appeal the order as provided in chapter 17A. On
15 appeal, the administrative law judge may affirm, modify, or
16 vacate the order of the ~~state fire marshal~~ director.

17 2. However, if it is determined by the ~~state fire marshal~~
18 director that an emergency exists respecting any matter
19 affecting or likely to affect the public health, the ~~fire~~
20 ~~marshal~~ director may issue any order necessary to terminate
21 the emergency without notice and without hearing. The order
22 is binding and effective immediately and until the order is
23 modified or vacated at an administrative hearing or by a
24 district court.

25 3. The ~~state fire marshal~~ director may request the attorney
26 general to institute legal proceedings pursuant to section
27 101.26.

28 Sec. 1538. Section 101.26, Code 2023, is amended to read as
29 follows:

30 **101.26 Penalties — burden of proof.**

31 1. A person who violates this subchapter or a rule adopted
32 or order issued pursuant to this subchapter is subject to a
33 civil penalty not to exceed one hundred dollars for each day
34 during which the violation continues, up to a maximum of one
35 thousand dollars; however, if the tank is registered within

1 thirty days after the ~~state fire marshal~~ director issues a
2 cease and desist order pursuant to section 101.25, subsection
3 1, the civil penalty under this section shall not accrue. The
4 civil penalty is an alternative to a criminal penalty provided
5 under this subchapter.

6 2. A person who knowingly fails to notify or makes a false
7 statement, representation, or certification in a record,
8 report, or other document filed or required to be maintained
9 under this subchapter, or violates an order issued under this
10 subchapter, is guilty of an aggravated misdemeanor.

11 3. The attorney general, at the request of the ~~state fire~~
12 ~~marshal~~ director, shall institute any legal proceedings,
13 including an action for an injunction, necessary to enforce the
14 penalty provisions of this subchapter or to obtain compliance
15 with the provisions of this subchapter or rules adopted or
16 order pursuant to this subchapter. In any action, previous
17 findings of fact of the ~~state fire marshal~~ director after
18 notice and hearing are conclusive if supported by substantial
19 evidence in the record when the record is viewed as a whole.

20 4. In all proceedings with respect to an alleged violation
21 of this subchapter or a rule adopted or order issued by the
22 ~~state fire marshal~~ director pursuant to this subchapter, the
23 burden of proof is upon the ~~state fire marshal~~ director.

24 5. If the attorney general has instituted legal proceedings
25 in accordance with this section, all related issues which could
26 otherwise be raised by the alleged violator in a proceeding for
27 judicial review under section 101.27 shall be raised in the
28 legal proceedings instituted in accordance with this section.

29 Sec. 1539. Section 101.27, Code 2023, is amended to read as
30 follows:

31 **101.27 Judicial review.**

32 Except as provided in section 101.26, subsection 5,
33 judicial review of an order or other action of the ~~state fire~~
34 ~~marshal~~ director may be sought in accordance with chapter 17A.
35 Notwithstanding chapter 17A, the Iowa administrative procedure

1 Act, petitions for judicial review may be filed in the district
2 court of the county in which the alleged offense was committed
3 or the final order was entered.

4 Sec. 1540. Section 101A.1, subsections 2, 6, and 7, Code
5 2023, are amended to read as follows:

6 2. "*Commercial license*" or "*license*" means a license issued
7 by the ~~state fire marshal~~ director pursuant to this chapter.

8 6. "*Licensee*" means a person holding a commercial license
9 issued by the ~~state fire marshal~~ director pursuant to this
10 chapter.

11 7. "*Magazine*" means any building or structure, other than an
12 explosives manufacturing building, approved by the ~~state fire~~
13 ~~marshal~~ director or the ~~fire marshal's~~ director's designated
14 agent for the storage of explosive materials.

15 Sec. 1541. Section 101A.1, Code 2023, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 2A. "*Director*" means the director of
18 the department of inspections, appeals, and licensing or the
19 director's designee.

20 Sec. 1542. Section 101A.2, subsections 1 and 2, Code 2023,
21 are amended to read as follows:

22 1. The ~~state fire marshal~~ director shall issue commercial
23 licenses for the manufacture, importation, distribution, sale,
24 and commercial use of explosives to persons who, in the ~~state~~
25 ~~fire marshal's~~ director's discretion are of good character
26 and sound judgment, and have sufficient knowledge of the
27 use, handling, and storage of explosive materials to protect
28 the public safety. Licenses shall be issued for a period of
29 three years, but may be issued for shorter periods, and may be
30 revoked or suspended by the ~~state fire marshal~~ director for any
31 of the following reasons:

32 a. Falsification of information submitted in the application
33 for a license.

34 b. Proof that the licensee has violated any provisions of
35 this chapter or any rules prescribed by the ~~state fire marshal~~

1 director pursuant to the provisions of this chapter.

2 *c.* The results of a national criminal history check
3 conducted pursuant to subsection 3.

4 2. Licenses shall be issued by the ~~state fire marshal~~
5 director upon payment of a fee of sixty dollars, valid for a
6 period of three calendar years, commencing on January 1 of the
7 first year and terminating on December 31 of the third year.
8 However, an initial license may be issued during a calendar
9 year for the number of months remaining in such calendar year
10 and the following two years, computed to the first day of the
11 month when the application for the license is approved. The
12 license fee shall be charged on a pro rata basis for the number
13 of months remaining in the period of issue. Applications for
14 renewal of licenses shall be submitted within thirty days prior
15 to the license expiration date and shall be accompanied by
16 payment of the prescribed fee.

17 Sec. 1543. Section 101A.3, subsections 1 and 2, Code 2023,
18 are amended to read as follows:

19 1. User's permits to purchase, possess, transport, store,
20 and detonate explosive materials shall be issued by the sheriff
21 of the county or the chief of police of a city of ten thousand
22 population or more where the possession and detonation will
23 occur. If the possession and detonation are to occur in more
24 than one county or city, then such permits must be issued by
25 the sheriff or chief of police of each of such counties or
26 cities, except in counties and cities in which the explosives
27 are possessed for the sole purpose of transporting them
28 through such counties and cities. A permit shall not be issued
29 unless the sheriff or chief of police having jurisdiction is
30 satisfied that possession and detonation of explosive materials
31 is necessary to the applicant's business or to improve the
32 applicant's property. Permits shall be issued only to persons
33 who, in the discretion of the sheriff or chief of police, are
34 of good character and sound judgment, and have sufficient
35 knowledge of the use and handling of explosive materials to

1 protect the public safety. Applicants shall be subject to the
2 criminal history check provisions of section 101A.2, subsection
3 3. The ~~state fire marshal~~ director shall prescribe, have
4 printed, and distribute permit application forms to all local
5 permit issuing authorities.

6 2. The user's permit shall state the quantity of explosive
7 materials which the permittee may purchase, the amount the
8 permittee may have in possession at any one time, the amount
9 the permittee may detonate at any one time, and the period of
10 time during which the purchase, possession, and detonation
11 of explosive materials is authorized. The permit shall also
12 specify the place where detonation may occur, the location and
13 description of the place where the explosive materials will
14 be stored, if such be the case, and shall contain such other
15 information as may be required under the rules and regulations
16 of the ~~state fire marshal~~ director. The permit shall not
17 authorize purchase, possession, and detonation of a quantity of
18 explosive materials in excess of that which is necessary in the
19 pursuit of the applicant's business or the improvement of the
20 permittee's property, nor shall such purchase, possession, and
21 detonation be authorized for a period longer than is necessary
22 for the specified purpose. In no event shall the permit be
23 valid for more than thirty days from date of issuance but it
24 may be renewed upon proper showing of necessity.

25 Sec. 1544. Section 101A.4, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. Judicial review of the action of the ~~state fire marshal~~
28 director may be sought in accordance with the terms of the Iowa
29 administrative procedure Act, chapter 17A.

30 Sec. 1545. Section 101A.5, Code 2023, is amended to read as
31 follows:

32 **101A.5 Rules — director duties.**

33 1. The ~~state fire marshal~~ director shall adopt rules
34 pursuant to chapter 17A pertaining to the manufacture,
35 transportation, storage, possession, and use of explosive

1 materials. Rules adopted by the ~~state fire marshal~~ director
 2 shall be compatible with, but not limited to, the national
 3 fire protection association's pamphlet number 495 and federal
 4 rules pertaining to commerce, possession, storage, and use of
 5 explosive materials. Such rules shall do all of the following:

- 6 ~~1.~~ a. Prescribe reasonable standards for the safe
 7 transportation and handling of explosive materials so as to
 8 prevent accidental fires and explosions and prevent theft and
 9 unlawful or unauthorized possession of explosive materials.
- 10 ~~2.~~ b. Prescribe procedures and methods of inventory so
 11 as to assure accurate records of all explosive materials
 12 manufactured or imported into the state and records of the
 13 disposition of such explosive materials, including records of
 14 the identity of persons to whom sales and transfers are made,
 15 and the time and place of any loss or destruction of explosive
 16 materials which might occur.
- 17 ~~3.~~ c. Prescribe reasonable standards for the safe
 18 storage of explosive materials as may be necessary to prevent
 19 accidental fires and explosions and prevent thefts and unlawful
 20 or unauthorized possession of explosive materials.
- 21 ~~4.~~ d. Require such reports from licensees, permittees,
 22 sheriffs, and chiefs of police as may be necessary for the
 23 ~~state fire marshal~~ director to discharge the ~~fire marshal's~~
 24 director's duties pursuant to this chapter.
- 25 ~~5.~~ e. Prescribe the form and content of license and permit
 26 applications.
- 27 ~~6.~~ 2. ~~Conduct~~ The director shall conduct such inspections
 28 of licensees and permittees as may be necessary to enforce the
 29 provisions of this chapter.

30 Sec. 1546. Section 101A.7, Code 2023, is amended to read as
 31 follows:

32 **101A.7 Inspection of storage facility.**

33 1. The licensee's or permittee's explosives storage
 34 facility shall be inspected at least once a year by a
 35 representative of the ~~state fire marshal's office~~ department

1 of inspections, appeals, and licensing, except that the state
2 fire-marshal director may, at those mining operations licensed
3 and regulated by the United States department of labor, accept
4 an approved inspection report issued by the United States
5 department of labor, mine safety and health administration, for
6 the twelve-month period following the issuance of the report.
7 The ~~state fire-marshal~~ director shall notify the appropriate
8 city or county governing board of licenses to be issued in
9 their respective jurisdictions pursuant to this chapter. The
10 notification shall contain the name of the applicant to be
11 licensed, the location of the facilities to be used in storing
12 explosives, the types and quantities of explosive materials to
13 be stored, and other information deemed necessary by either
14 the governing boards or the ~~state fire-marshal~~ director. The
15 facility may be examined at other times by the sheriff of the
16 county where the facility is located or by the local police
17 authority if the facility is located within a city of over
18 ten thousand population and if the sheriff or city council
19 considers it necessary.

20 2. If the ~~state fire-marshal~~ director finds the facility
21 to be improperly secured, the licensee or permittee shall
22 immediately correct the improper security and, if not so
23 corrected, the ~~state fire-marshal~~ director shall immediately
24 confiscate the stored explosives. Explosives may be
25 confiscated by the county sheriff or local police authority
26 only if a situation that is discovered during an examination by
27 those authorities is deemed to present an immediate danger. If
28 the explosives are confiscated by the county sheriff or local
29 police authority, they shall be delivered to the ~~state fire~~
30 ~~marshal~~ director. The ~~state fire-marshal~~ director shall hold
31 confiscated explosives for a period of thirty days under proper
32 security unless the period of holding is shortened pursuant to
33 this section.

34 3. If the licensee or permittee corrects the improper
35 security within the thirty-day period, the explosives shall

1 be returned to the licensee or permittee after correction and
2 after the licensee or permittee has paid to the state an amount
3 equal to the expense incurred by the state in storing the
4 explosives during the period of confiscation. The amount of
5 expense shall be determined by the ~~state fire marshal~~ director.

6 4. If the improper security is not corrected during the
7 thirty-day period, the ~~state fire marshal~~ director shall
8 dispose of the explosives and the license or permit shall be
9 canceled. A canceled license or permit shall not be reissued
10 for a period of two years from the date of cancellation.

11 Sec. 1547. Section 101A.8, Code 2023, is amended to read as
12 follows:

13 **101A.8 Report of theft or loss required.**

14 Any theft or loss of explosive materials, whether from
15 a storage magazine, a vehicle in which they are being
16 transported, or from a site on which they are being used,
17 or from any other location, shall immediately be reported by
18 the person authorized to possess such explosives to the local
19 police or county sheriff. The local police or county sheriff
20 shall immediately transmit a report of such theft or loss of
21 explosive materials to the ~~state fire marshal~~ director.

22 Sec. 1548. Section 101A.9, Code 2023, is amended to read as
23 follows:

24 **101A.9 Disposal regulated.**

25 No person shall abandon or otherwise dispose of any
26 explosives in any manner which might, as the result of such
27 abandonment or disposal, create any danger or threat of danger
28 to life or property. Any person in possession or control of
29 explosives shall, when the need for such explosives no longer
30 exists, dispose of them in accordance with rules prescribed by
31 the ~~state fire marshal~~ director.

32 Sec. 1549. Section 101A.10, Code 2023, is amended to read
33 as follows:

34 **101A.10 Persons and agencies exempt.**

35 This chapter shall not apply to the transportation and

1 use of explosive materials by the regular military or naval
2 forces of the United States, the duly organized militia of this
3 state, representatives of the ~~state fire marshal~~ director, the
4 state patrol, division of criminal investigation, local police
5 departments, sheriffs departments, and fire departments acting
6 in their official capacity; nor shall this chapter apply to
7 the transportation and use of explosive materials by any peace
8 officer to enforce provisions of this chapter when the peace
9 officer is acting pursuant to such authority, however, other
10 agencies of the state or any of its political subdivisions
11 desiring to purchase, possess, transport, or use explosive
12 materials for construction or other purposes shall be required
13 to obtain user's permits.

14 Sec. 1550. Section 101A.12, Code 2023, is amended to read
15 as follows:

16 **101A.12 Deposit and use of fees.**

17 The fees collected by the ~~state fire marshal~~ director in
18 issuing licenses pursuant to this chapter shall be deposited in
19 the state general fund.

20 Sec. 1551. Section 101A.14, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Any person who violates the provisions of section 101A.6,
23 101A.8 or 101A.9 or any of the rules adopted by the ~~state fire~~
24 ~~marshal~~ director pursuant to the provisions of this chapter,
25 commits a simple misdemeanor.

26 Sec. 1552. Section 101B.2, subsection 3, Code 2023, is
27 amended to read as follows:

28 3. "*Department*" means the department of ~~public safety~~
29 inspections, appeals, and licensing.

30 Sec. 1553. Section 101B.3, subsection 4, Code 2023, is
31 amended to read as follows:

32 4. The department of ~~public safety~~ shall administer
33 this chapter and may adopt rules pursuant to chapter 17A to
34 administer this chapter. This chapter shall be implemented in
35 accordance with the implementation and substance of the New

1 York fire safety standards for cigarettes.

2 Sec. 1554. Section 101B.6, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. A wholesaler or agent shall provide a copy of the
5 cigarette packaging markings received from a manufacturer to
6 all retailers to whom the wholesaler or agent sells cigarettes.
7 A wholesaler, agent, or retailer shall permit the ~~state fire~~
8 ~~marshal~~ department, department of revenue, or the office of the
9 attorney general to inspect markings of cigarette packaging
10 marked in accordance with section 101B.7.

11 Sec. 1555. Section 101B.8, subsections 7, 8, and 9, Code
12 2023, are amended to read as follows:

13 7. In addition to any other remedy provided by law, the
14 department of ~~public safety~~ or the office of the attorney
15 general may file an action in district court for a violation of
16 this chapter, including petitioning for injunctive relief or to
17 recover any costs or damages suffered by the state because of a
18 violation of this chapter, including enforcement costs relating
19 to the specific violation and attorney fees. Each violation of
20 the chapter or of rules adopted under this chapter constitutes
21 a separate civil violation for which the department of ~~public~~
22 ~~safety~~ or the office of the attorney general may seek relief.

23 8. The department of revenue in the regular course of
24 conducting inspections of a wholesaler, agent, or retailer
25 may inspect cigarettes in the possession or control of the
26 wholesaler, agent, or retailer or on the premises of any
27 wholesaler, agent, or retailer to determine if the cigarettes
28 are marked as required pursuant to section 101B.7. If the
29 cigarettes are not marked as required, the department of
30 revenue shall notify the department of ~~public safety~~.

31 9. To enforce the provisions of this chapter, the department
32 of ~~public safety~~ and the office of the attorney general may
33 examine the books, papers, invoices, and other records of any
34 person in possession, control, or occupancy of any premises
35 where cigarettes are placed, sold, or offered for sale,

1 including the stock of cigarettes on the premises.

2 Sec. 1556. Section 101B.10, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. This chapter shall cease to be applicable if federal
5 fire safety standards for cigarettes that preempt this chapter
6 are enacted and take effect subsequent to January 1, 2009, and
7 the ~~state fire marshal~~ department shall notify the secretary of
8 state and the Code editor if such federal fire safety standards
9 for cigarettes are enacted.

10 Sec. 1557. Section 103.1, Code 2023, is amended by adding
11 the following new subsections:

12 NEW SUBSECTION. 6A. "*Department*" means the department of
13 inspections, appeals, and licensing.

14 NEW SUBSECTION. 6B. "*Director*" means the director of
15 the department of inspections, appeals, and licensing or the
16 director's designee.

17 Sec. 1558. Section 103.2, subsection 1, Code 2023, is
18 amended to read as follows:

19 1. An electrical examining board is created within the
20 ~~division of state fire marshal of the department of public~~
21 ~~safety.~~ The board shall consist of eleven voting members
22 ~~appointed by the governor and subject to senate confirmation,~~
23 all of whom shall be residents of this state. Except for the
24 board member enumerated in subsection 2, paragraph "e", members
25 shall be appointed by the governor and subject to senate
26 confirmation.

27 Sec. 1559. Section 103.2, Code 2023, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 2A. a. The board shall elect annually from
30 its members a chairperson and a vice chairperson.

31 b. The board shall hold at least one meeting quarterly at
32 the location of the board's principal office, and meetings
33 shall be called at other times by the chairperson or four
34 members of the board. At any meeting of the board, a majority
35 of members constitutes a quorum.

1 Sec. 1560. Section 103.4, Code 2023, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **103.4 Executive secretary — staff and duties.**

4 The director shall appoint an executive secretary for the
5 board and shall hire and provide staff to assist the board
6 in administering this chapter. The executive secretary
7 shall report to the director for purposes of routine board
8 administrative functions, and shall report directly to
9 the board for purposes of execution of board policy such
10 as application of licensing criteria and processing of
11 applications.

12 Sec. 1561. Section 103.7, Code 2023, is amended to read as
13 follows:

14 **103.7 Electrician and installer licensing and inspection**
15 **fund.**

16 An electrician and installer licensing and inspection fund
17 is created in the state treasury as a separate fund under the
18 control of the board. All licensing, examination, renewal,
19 and inspection fees shall be deposited into the fund and
20 retained by and for the use of the board. Expenditures from
21 the fund shall be approved by the sole authority of the board
22 in consultation with the ~~state fire marshal~~ director. Amounts
23 deposited into the fund shall be considered repayment receipts
24 as defined in section 8.2. Notwithstanding section 8.33, any
25 balance in the fund on June 30 of each fiscal year shall not
26 revert to the general fund of the state, but shall remain
27 available for the purposes of this chapter in subsequent fiscal
28 years. Notwithstanding section 12C.7, subsection 2, interest
29 or earnings on moneys deposited in the fund shall be credited
30 to the fund.

31 Sec. 1562. Section 103.14, Code 2023, is amended to read as
32 follows:

33 **103.14 Alarm installations.**

34 A person who is not licensed pursuant to this chapter may
35 plan, lay out, or install electrical wiring, apparatus, and

1 equipment for components of alarm systems that operate at
2 seventy volt/amps (VA) or less, only if the person is certified
3 to conduct such work pursuant to chapter 100C. Installations
4 of alarm systems that operate at seventy volt/amps (VA) or less
5 are subject to inspection by state inspectors as provided in
6 section 103.31, except that reports of such inspections, if
7 the installation being inspected was performed by a person
8 certified pursuant to chapter 100C, shall be submitted to
9 the ~~state fire marshal~~ director and any action taken on a
10 report of an inspection of an installation performed by a
11 person certified pursuant to chapter 100C shall be taken by
12 or at the direction of the state fire marshal, unless the
13 installation has been found to exceed the authority granted to
14 the certificate holder pursuant to chapter 100C and therefore
15 to be in violation of this chapter.

16 Sec. 1563. Section 103.25, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. At or before commencement of any installation required
19 to be inspected by the board, the licensee or property owner
20 making such installation shall submit to the ~~state fire~~
21 ~~marshal's office~~ department a request for inspection. The
22 board shall prescribe the methods by which the request may be
23 submitted, which may include electronic submission or through
24 a form prescribed by the board that can be submitted either
25 through the mail or by a fax transmission. The board shall
26 also prescribe methods by which inspection fees can be paid,
27 which may include electronic methods of payment. If the board
28 or the ~~state fire marshal's office~~ department becomes aware
29 that a person has failed to file a necessary request for
30 inspection, the board shall send a written notification by
31 certified mail that the request must be filed within fourteen
32 days. Any person filing a late request for inspection shall
33 pay a delinquency fee in an amount to be determined by the
34 board. A person who fails to file a late request within
35 fourteen days from receipt of the notification shall be subject

1 to a civil penalty to be determined by the board by rule.

2 Sec. 1564. Section 103.26, Code 2023, is amended to read as
3 follows:

4 **103.26 Condemnation — disconnection — opportunity to**
5 **correct noncompliance.**

6 If the inspector finds that any installation or portion of
7 an installation is not in compliance with accepted standards
8 of construction for health safety and property safety, based
9 upon minimum standards set forth in the local electrical
10 code or the national electrical code adopted by the board
11 pursuant to section 103.6, the inspector shall by written
12 order condemn the installation or noncomplying portion or
13 order service to such installation disconnected and shall
14 send a copy of such order to the board, the ~~state fire~~
15 ~~marshal~~ director, and the electrical utility supplying power
16 involved. If the installation or the noncomplying portion is
17 such as to seriously and proximately endanger human health
18 or property, the order of the inspector when approved by the
19 inspector's supervisor shall require immediate condemnation
20 and disconnection by the applicant. In all other cases, the
21 order of the inspector shall establish a reasonable period
22 of time for the installation to be brought into compliance
23 with accepted standards of construction for health safety and
24 property safety prior to the effective date established in such
25 order for condemnation or disconnection.

26 Sec. 1565. Section 103.31, subsections 3, 4, and 5, Code
27 2023, are amended to read as follows:

28 3. State inspection procedures and policies shall be
29 established by the board. The ~~state fire marshal~~ director, or
30 the ~~state fire marshal's~~ director's designee, shall enforce
31 the procedures and policies, and enforce the provisions of the
32 national electrical code adopted by the board.

33 4. Except when an inspection reveals that an installation or
34 portion of an installation is not in compliance with accepted
35 standards of construction for health safety and property

1 safety, based upon minimum standards set forth in the local
2 electrical code or the national electrical code adopted by
3 the board pursuant to section 103.6, such that an order of
4 condemnation or disconnection is warranted pursuant to section
5 103.26, an inspector shall not add to, modify, or amend a
6 construction plan as originally approved by the ~~state fire~~
7 ~~marshal~~ director or the state building code commissioner in the
8 course of conducting an inspection.

9 5. Management and supervision of inspectors, including
10 hiring decisions, disciplinary action, promotions, and work
11 schedules are the responsibility of the ~~state fire marshal~~
12 director acting in accordance with applicable law and pursuant
13 to any applicable collective bargaining agreement. The ~~state~~
14 ~~fire marshal~~ director and the board shall jointly determine
15 work territories, regions, or districts for inspectors
16 and continuing education and ongoing training requirements
17 applicable to inspectors. An inspector subject to disciplinary
18 action pursuant to this subsection shall be entitled to an
19 appeal according to the procedure set forth in section 103.34
20 and judicial review pursuant to section 17A.19.

21 Sec. 1566. Section 103.32, subsection 3, Code 2023, is
22 amended to read as follows:

23 3. When an inspection is requested by a property owner,
24 the minimum fee shall be thirty dollars plus five dollars
25 per branch circuit or feeder. The fee for fire and accident
26 inspections shall be computed at the rate of forty-seven
27 dollars per hour, and mileage and other expenses shall be
28 reimbursed as provided by the ~~office of the state fire marshal~~
29 department.

30 Sec. 1567. Section 103.33, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. Any person aggrieved by a condemnation or disconnection
33 order issued by the ~~state fire marshal's office~~ department may
34 appeal from the order by filing a written notice of appeal with
35 the board within ten days after the date the order was served

1 upon the property owner or within ten days after the order was
2 filed with the board, whichever is later.

3 Sec. 1568. Section 103A.3, Code 2023, is amended by adding
4 the following new subsections:

5 NEW SUBSECTION. 6A. "*Department*" means the department of
6 inspections, appeals, and licensing.

7 NEW SUBSECTION. 6B. "*Director*" means the director of
8 the department of inspections, appeals, and licensing or the
9 director's designee.

10 Sec. 1569. Section 103A.4, Code 2023, is amended to read as
11 follows:

12 **103A.4 Building code commissioner.**

13 The ~~commissioner of public safety~~ director, in addition
14 to other duties, shall serve as the state building code
15 commissioner or may designate a building code commissioner.

16 Sec. 1570. Section 103A.23, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. For the purpose of obtaining revenue to defray the
19 costs of administering the provisions of this chapter, the
20 commissioner shall establish by rule a schedule of fees based
21 upon the costs of administration which fees shall be collected
22 from persons whose manufacture, installation, or construction
23 is subject to the provisions of the state building code. For
24 the performance of building plan reviews by the department
25 ~~of public safety~~, the commissioner shall establish by rule a
26 fee, chargeable to the owner of the building, which shall be
27 equal to a percentage of the estimated total valuation of the
28 building and which shall be in an amount reasonably related to
29 the cost of conducting the review.

30 Sec. 1571. Section 103A.54, Code 2023, is amended to read
31 as follows:

32 **103A.54 Fees.**

33 Notwithstanding section 103A.23, the department ~~of~~
34 ~~public safety~~ shall retain all fees collected pursuant to
35 this subchapter and the fees retained are appropriated to

1 the commissioner to administer the licensing program and
2 the certification program for manufactured or mobile home
3 installers, including the employment of personnel for the
4 enforcement and administration of such programs.

5 Sec. 1572. Section 105.2, subsection 4, Code 2023, is
6 amended to read as follows:

7 4. "*Department*" means the ~~Iowa~~ department of ~~public health~~
8 inspections, appeals, and licensing.

9 Sec. 1573. Section 105.3, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. A plumbing and mechanical systems board is created within
12 the ~~Iowa~~ department of ~~public health~~.

13 Sec. 1574. Section 105.3, subsection 2, paragraph a,
14 unnumbered paragraph 1, Code 2023, is amended to read as
15 follows:

16 The board shall be comprised of ~~eleven~~ twelve voting
17 members, ~~appointed by the governor,~~ as follows:

18 Sec. 1575. Section 105.3, subsection 2, paragraph a,
19 subparagraph (1), Code 2023, is amended to read as follows:

20 (1) The director of ~~public health~~ and human services or the
21 director's designee.

22 Sec. 1576. Section 105.3, subsection 2, paragraph a, Code
23 2023, is amended by adding the following new subparagraph:

24 NEW SUBPARAGRAPH. (2A) The director of the department of
25 inspections, appeals, and licensing or the director's designee.

26 Sec. 1577. Section 105.3, subsection 2, paragraph b, Code
27 2023, is amended to read as follows:

28 b. The board members enumerated in paragraph a "a",
29 subparagraphs (3) through (9), ~~are~~ shall be appointed by the
30 governor and subject to confirmation by the senate.

31 Sec. 1578. Section 105.4, subsection 1, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The board shall establish by rule a plumbing installation
34 code governing the installation of plumbing in this state.
35 Consistent with fire safety rules and standards promulgated

1 by the ~~state fire marshal~~ department, the board shall adopt
 2 the most current version of the uniform plumbing code and the
 3 international mechanical code, as the state plumbing code
 4 and the state mechanical code, to govern the installation of
 5 plumbing and mechanical systems in this state. The board shall
 6 adopt the current version of each code within six months of its
 7 being released. The board may adopt amendments to each code by
 8 rule. The board shall work in consultation with the ~~state fire~~
 9 ~~marshal~~ department to ensure that proposed amendments do not
 10 conflict with the fire safety rules and standards promulgated
 11 by the ~~state fire marshal~~ department. The state plumbing
 12 code and the state mechanical code shall be applicable to all
 13 buildings and structures owned by the state or an agency of the
 14 state and in each local jurisdiction.

15 Sec. 1579. Section 105.12, subsection 1, Code 2023, is
 16 amended to read as follows:

17 1. A contracting, plumbing, mechanical, HVAC-refrigeration,
 18 sheet metal, or hydronic license shall be in the form of a
 19 certificate under the seal of the department, signed by the
 20 director of ~~public health~~ the department, and shall be issued
 21 in the name of the board. The license number shall be noted on
 22 the face of the license.

23 Sec. 1580. Section 135.11A, Code 2023, is amended to read
 24 as follows:

25 ~~135.11A Professional licensure division — other licensing~~
 26 Licensing boards — expenses — fees.

27 1. ~~There shall be a professional licensure division within~~
 28 ~~the department of public health.~~ Each board under ~~chapter~~
 29 chapters 100C, 103, 103A, 105, or 147 or that are under the
 30 administrative authority of the department, except the board
 31 of nursing, board of medicine, dental board, and board of
 32 pharmacy, shall receive administrative and clerical support
 33 from the ~~division~~ department and may not employ its own support
 34 staff for administrative and clerical duties. The executive
 35 director of the board of nursing, board of medicine, dental

1 board, and board of pharmacy shall be appointed pursuant to
2 section 135.11B.

3 2. The ~~professional licensure division~~ department and the
4 licensing boards referenced in subsection 1 may expend funds in
5 addition to amounts budgeted, if those additional expenditures
6 are directly the result of actual examination and exceed funds
7 budgeted for examinations. Before the ~~division~~ department or a
8 licensing board expends or encumbers an amount in excess of the
9 funds budgeted for examinations, the director of the department
10 of management shall approve the expenditure or encumbrance.
11 Before approval is given, the department of management shall
12 determine that the examination expenses exceed the funds
13 budgeted by the general assembly to the ~~division~~ department
14 or board and the ~~division~~ department or board does not have
15 other funds from which examination expenses can be paid.
16 Upon approval of the department of management, the ~~division~~
17 department or licensing board may expend and encumber funds for
18 excess examination expenses. The amounts necessary to fund
19 the excess examination expenses shall be collected as fees
20 from additional examination applicants and shall be treated as
21 repayment receipts as defined in section 8.2.

22 Sec. 1581. Section 135.24, subsection 2, paragraph a, Code
23 2023, is amended to read as follows:

24 a. Procedures for registration of health care providers
25 deemed qualified by the board of medicine, the board of
26 physician assistants, the dental board, the board of nursing,
27 the board of chiropractic, the board of psychology, the board
28 of social work, the board of behavioral science, the board
29 of pharmacy, the board of optometry, the board of podiatry,
30 the board of physical and occupational therapy, the board of
31 respiratory care and polysomnography, and the ~~Iowa~~ department
32 of ~~public health~~ inspections, appeals, and licensing, as
33 applicable.

34 Sec. 1582. Section 135.31, Code 2023, is amended to read as
35 follows:

1 **135.31 Location of boards — rulemaking.**

2 The offices for the board of medicine, the board of pharmacy,
3 the board of nursing, and the dental board shall be located
4 within the department ~~of public health~~. The individual boards
5 shall have policymaking and rulemaking authority.

6 Sec. 1583. Section 135.37, Code 2023, is amended to read as
7 follows:

8 **135.37 Tattooing — permit requirement — penalty.**

9 1. A person shall not own, control and lease, act as an
10 agent for, conduct, manage, or operate an establishment to
11 practice the art of tattooing or engage in the practice of
12 tattooing without first applying for and receiving a permit
13 from the ~~Iowa department of public health~~.

14 2. A minor shall not obtain a tattoo and a person shall
15 not provide a tattoo to a minor. For the purposes of this
16 section, "*minor*" means an unmarried person who is under the age
17 of eighteen years.

18 3. A person who fails to meet the requirements of subsection
19 1 or a person providing a tattoo to a minor is guilty of a
20 serious misdemeanor.

21 4. The ~~Iowa department of public health~~ shall:

22 a. Adopt rules pursuant to chapter 17A and establish and
23 collect all fees necessary to administer this section. The
24 provisions of chapter 17A, including licensing provisions,
25 judicial review, and appeal, shall apply to this ~~chapter~~
26 section.

27 b. Establish minimum safety and sanitation criteria for the
28 operation of tattooing establishments.

29 5. If the ~~Iowa department of public health~~ determines that
30 a provision of this section has been or is being violated, the
31 department may order that a tattooing establishment not be
32 operated until the necessary corrective action has been taken.
33 If the establishment continues to be operated in violation of
34 the order of the department, the department may request that
35 the county attorney or the attorney general make an application

1 in the name of the state to the district court of the county
2 in which the violations have occurred for an order to enjoin
3 the violations. This remedy is in addition to any other legal
4 remedy available to the department.

5 6. As necessary to avoid duplication and promote
6 coordination of public health inspection and enforcement
7 activities, the department may enter into agreements with
8 local boards of health to provide for inspection of tattooing
9 establishments and enforcement activities in accordance with
10 the rules and criteria implemented under this section.

11 Sec. 1584. Section 135.61, unnumbered paragraph 1, Code
12 2023, is amended to read as follows:

13 As used in this ~~subchapter~~ part, unless the context
14 otherwise requires:

15 Sec. 1585. Section 135.61, subsection 1, paragraph d, Code
16 2023, is amended to read as follows:

17 d. Each institutional health facility or health maintenance
18 organization which, prior to receipt of the application by the
19 department, has formally indicated to the department pursuant
20 to this ~~subchapter~~ part an intent to furnish in the future
21 institutional health services similar to the new institutional
22 health service proposed in the application.

23 Sec. 1586. Section 135.61, subsection 4, Code 2023, is
24 amended to read as follows:

25 4. "*Council*" means the state health facilities council
26 established by this ~~subchapter~~ part.

27 Sec. 1587. Section 135.61, subsections 5 and 7, Code 2023,
28 are amended by striking the subsections.

29 Sec. 1588. Section 135.62, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. This ~~subchapter~~ part shall be administered by the
32 department. The director shall employ or cause to be employed
33 the necessary persons to discharge the duties imposed on the
34 department by this ~~subchapter~~ part.

35 Sec. 1589. Section 135.62, subsection 2, paragraph e,

1 subparagraphs (2), (4), and (5), Code 2023, are amended to read
2 as follows:

3 (2) Determine and adopt such policies as are authorized by
4 law and are deemed necessary to the efficient discharge of its
5 duties under this subchapter part.

6 (4) Advise and counsel with the director concerning
7 the provisions of this subchapter part and the policies
8 and procedures adopted by the department pursuant to this
9 subchapter part.

10 (5) Review and approve, prior to promulgation, all rules
11 adopted by the department under this subchapter part.

12 Sec. 1590. Section 135.63, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. A new institutional health service or changed
15 institutional health service shall not be offered or developed
16 in this state without prior application to the department
17 for and receipt of a certificate of need, pursuant to this
18 subchapter part. The application shall be made upon forms
19 furnished or prescribed by the department and shall contain
20 such information as the department may require under this
21 subchapter part. The application shall be accompanied
22 by a fee equivalent to three-tenths of one percent of the
23 anticipated cost of the project with a minimum fee of six
24 hundred dollars and a maximum fee of twenty-one thousand
25 dollars. The fee shall be remitted by the department to the
26 treasurer of state, who shall place it in the general fund of
27 the state. If an application is voluntarily withdrawn within
28 thirty calendar days after submission, seventy-five percent
29 of the application fee shall be refunded; if the application
30 is voluntarily withdrawn more than thirty but within sixty
31 days after submission, fifty percent of the application fee
32 shall be refunded; if the application is withdrawn voluntarily
33 more than sixty days after submission, twenty-five percent of
34 the application fee shall be refunded. Notwithstanding the
35 required payment of an application fee under this subsection,

1 an applicant for a new institutional health service or a
 2 changed institutional health service offered or developed by
 3 an intermediate care facility for persons with an intellectual
 4 disability or an intermediate care facility for persons with
 5 mental illness as defined pursuant to section 135C.1 is exempt
 6 from payment of the application fee.

7 Sec. 1591. Section 135.63, subsection 2, unnumbered
 8 paragraph 1, Code 2023, is amended to read as follows:

9 This ~~subchapter~~ part shall not be construed to augment,
 10 limit, contravene, or repeal in any manner any other statute
 11 of this state which may authorize or relate to licensure,
 12 regulation, supervision, or control of, nor to be applicable
 13 to:

14 Sec. 1592. Section 135.63, subsection 2, paragraph f, Code
 15 2023, is amended to read as follows:

16 *f.* A residential care facility, as defined in section
 17 135C.1, including a residential care facility for persons with
 18 an intellectual disability, notwithstanding any provision in
 19 this ~~subchapter~~ part to the contrary.

20 Sec. 1593. Section 135.63, subsection 2, paragraph g,
 21 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
 22 to read as follows:

23 A reduction in bed capacity of an institutional health
 24 facility, notwithstanding any provision in this ~~subchapter~~ part
 25 to the contrary, if all of the following conditions exist:

26 Sec. 1594. Section 135.63, subsection 2, paragraph h,
 27 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
 28 to read as follows:

29 The deletion of one or more health services, previously
 30 offered on a regular basis by an institutional health facility
 31 or health maintenance organization, notwithstanding any
 32 provision of this ~~subchapter~~ part to the contrary, if all of
 33 the following conditions exist:

34 Sec. 1595. Section 135.63, subsection 2, paragraph j, Code
 35 2023, is amended to read as follows:

1 *j.* The construction, modification, or replacement of
 2 nonpatient care services, including parking facilities,
 3 heating, ventilation and air conditioning systems, computers,
 4 telephone systems, medical office buildings, and other projects
 5 of a similar nature, notwithstanding any provision in this
 6 ~~subchapter~~ part to the contrary.

7 Sec. 1596. Section 135.63, subsection 2, paragraph k,
 8 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
 9 to read as follows:

10 The redistribution of beds by a hospital within the acute
 11 care category of bed usage, notwithstanding any provision in
 12 this ~~subchapter~~ part to the contrary, if all of the following
 13 conditions exist:

14 Sec. 1597. Section 135.63, subsection 2, paragraph 1,
 15 unnumbered paragraph 1, Code 2023, is amended to read as
 16 follows:

17 The replacement or modernization of any institutional health
 18 facility if the replacement or modernization does not add new
 19 health services or additional bed capacity for existing health
 20 services, notwithstanding any provision in this ~~subchapter~~
 21 part to the contrary. With respect to a nursing facility,
 22 "*replacement*" means establishing a new facility within the same
 23 county as the prior facility to be closed. With reference to
 24 a hospital, "*replacement*" means establishing a new hospital
 25 that demonstrates compliance with all of the following criteria
 26 through evidence submitted to the department:

27 Sec. 1598. Section 135.63, subsection 2, paragraphs m and n,
 28 Code 2023, are amended to read as follows:

29 *m.* Hemodialysis services provided by a hospital or
 30 freestanding facility, notwithstanding any provision in this
 31 ~~subchapter~~ part to the contrary.

32 *n.* Hospice services provided by a hospital, notwithstanding
 33 any provision in this ~~subchapter~~ part to the contrary.

34 Sec. 1599. Section 135.63, subsection 2, paragraph p,
 35 unnumbered paragraph 1, Code 2023, is amended to read as

1 follows:

2 The conversion of an existing number of beds by an
3 intermediate care facility for persons with an intellectual
4 disability to a smaller facility environment, including but not
5 limited to a community-based environment which does not result
6 in an increased number of beds, notwithstanding any provision
7 in this ~~subchapter~~ part to the contrary, including subsection
8 4, if all of the following conditions exist:

9 Sec. 1600. Section 135.63, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. This ~~subchapter~~ part shall not be construed to be
12 applicable to a health care facility operated by and for the
13 exclusive use of members of a religious order, which does
14 not admit more than two individuals to the facility from the
15 general public, and which was in operation prior to July 1,
16 1986. However, this ~~subchapter~~ part is applicable to such
17 a facility if the facility is involved in the offering or
18 developing of a new or changed institutional health service on
19 or after July 1, 1986.

20 Sec. 1601. Section 135.63, subsection 4, unnumbered
21 paragraph 1, Code 2023, is amended to read as follows:

22 A copy of the application shall be sent to the department
23 of health and human services at the time the application
24 is submitted to the ~~Iowa department of public health~~. The
25 department shall not process applications for and the council
26 shall not consider a new or changed institutional health
27 service for an intermediate care facility for persons with an
28 intellectual disability unless both of the following conditions
29 are met:

30 Sec. 1602. Section 135.64, subsection 3, Code 2023, is
31 amended to read as follows:

32 3. In the evaluation of applications for certificates
33 of need submitted by the university of Iowa hospitals and
34 clinics, the unique features of that institution relating to
35 statewide tertiary health care, health science education, and

1 clinical research shall be given due consideration. Further,
2 in administering this ~~subchapter~~ part, the unique capacity of
3 university hospitals for the evaluation of technologically
4 innovative equipment and other new health services shall be
5 utilized.

6 Sec. 1603. Section 135.72, unnumbered paragraph 1, Code
7 2023, is amended to read as follows:

8 The department shall adopt, with approval of the council,
9 such administrative rules as are necessary to enable it to
10 implement this ~~subchapter~~ part. These rules shall include:

11 Sec. 1604. Section 135.73, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. Any party constructing a new institutional health
14 facility or an addition to or renovation of an existing
15 institutional health facility without first obtaining a
16 certificate of need or, in the case of a mobile health service,
17 ascertaining that the mobile health service has received
18 certificate of need approval, as required by this ~~subchapter~~
19 part, shall be denied licensure or change of licensure by the
20 appropriate responsible licensing agency of this state.

21 Sec. 1605. Section 135.73, subsection 2, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 A party violating this ~~subchapter~~ part shall be subject
24 to penalties in accordance with this section. The
25 department shall adopt rules setting forth the violations by
26 classification, the criteria for the classification of any
27 violation not listed, and procedures for implementing this
28 subsection.

29 Sec. 1606. Section 135.73, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. Notwithstanding any other sanction imposed pursuant
32 to this section, a party offering or developing any new
33 institutional health service or changed institutional health
34 service without first obtaining a certificate of need as
35 required by this ~~subchapter~~ part may be temporarily or

1 permanently restrained from doing so by any court of competent
2 jurisdiction in any action brought by the state, any of its
3 political subdivisions, or any other interested person.

4 Sec. 1607. Section 135.74, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. The department shall, where appropriate, provide for
7 modification, consistent with the purposes of this ~~subchapter~~
8 part, of reporting requirements to correctly reflect the
9 differences among hospitals and among health care facilities
10 referred to in subsection 2, and to avoid otherwise unduly
11 burdensome costs in meeting the requirements of uniform methods
12 of financial reporting.

13 Sec. 1608. Section 135.75, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. Where more than one licensed hospital or health
16 care facility is operated by the reporting organization,
17 the information required by this section shall be reported
18 separately for each licensed hospital or health care facility.
19 The department shall require preparation of specified financial
20 reports by a certified public accountant, and may require
21 attestation of responsible officials of the reporting hospital
22 or health care facility that the reports submitted are to the
23 best of their knowledge and belief prepared in accordance with
24 the prescribed methods of reporting. The department shall
25 have the right to inspect the books, audits and records of any
26 hospital or health care facility as reasonably necessary to
27 verify reports submitted pursuant to this ~~subchapter~~ part.

28 Sec. 1609. Section 135.76, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. The department shall from time to time undertake analyses
31 and studies relating to hospital and health care facility
32 costs and to the financial status of hospitals or health care
33 facilities, or both, which are subject to the provisions of
34 this ~~subchapter~~ part. It shall further require the filing
35 of information concerning the total financial needs of each

1 individual hospital or health care facility and the resources
2 currently or prospectively available to meet these needs,
3 including the effect of proposals made by health systems
4 agencies. The department shall also prepare and file such
5 summaries and compilations or other supplementary reports based
6 on the information filed with it as will, in its judgment,
7 advance the purposes of this ~~subchapter~~ part.

8 Sec. 1610. Section 135C.2, subsection 3, paragraph c, Code
9 2023, is amended to read as follows:

10 c. The rules adopted for intermediate care facilities for
11 persons with an intellectual disability shall be consistent
12 with, but no more restrictive than, the federal standards for
13 intermediate care facilities for persons with an intellectual
14 disability established pursuant to the federal Social Security
15 Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, in effect on
16 January 1, 1989. However, in order for an intermediate care
17 facility for persons with an intellectual disability to be
18 licensed, the ~~state fire marshal~~ director must certify to the
19 department that the facility meets the applicable provisions
20 of the rules adopted for such facilities by the ~~state fire~~
21 ~~marshal~~ director. The ~~state fire marshal's~~ director's rules
22 shall be based upon such a facility's compliance with either
23 the provisions applicable to health care occupancies or
24 residential board and care occupancies of the life safety code
25 of the national fire protection association, 2000 edition. The
26 department shall adopt additional rules for intermediate care
27 facilities for persons with an intellectual disability pursuant
28 to section 135C.14, subsection 8.

29 Sec. 1611. Section 135C.2, subsection 5, paragraph b, Code
30 2023, is amended to read as follows:

31 b. A facility must be located in an area zoned for single or
32 multiple-family housing or in an unincorporated area and must
33 be constructed in compliance with applicable local requirements
34 and the rules adopted for the special classification by the
35 ~~state fire marshal~~ director in accordance with the concept of

1 the least restrictive environment for the facility residents.
2 Local requirements shall not be more restrictive than the
3 rules adopted for the special classification by the ~~state fire~~
4 ~~marshal~~ director and the state building code requirements for
5 single or multiple-family housing, under section 103A.7.

6 Sec. 1612. Section 135C.5, Code 2023, is amended to read as
7 follows:

8 **135C.5 Limitations on use.**

9 Another business or activity serving persons other than
10 the residents of a health care facility may be operated or
11 provided in a designated part of the physical structure of
12 the health care facility if the other business or activity
13 meets the requirements of applicable state and federal
14 laws, administrative rules, and federal regulations. The
15 department shall not limit the ability of a health care
16 facility to operate or provide another business or activity
17 in the designated part of the facility if the business or
18 activity does not interfere with the use of the facility by the
19 residents or with the services provided to the residents, and
20 is not disturbing to the residents. In denying the ability of
21 a health care facility to operate or provide another business
22 or activity under this section, the burden of proof shall be
23 on the department to demonstrate that the other business or
24 activity substantially interferes with the use of the facility
25 by the residents or the services provided to the residents,
26 or is disturbing to the residents. The ~~state fire marshal~~
27 director, in accordance with chapter 17A, shall adopt rules
28 which establish criteria for approval of a business or activity
29 to be operated or provided in a designated part of the physical
30 structure of a health care facility. For the purposes of
31 this section, "*another business or activity*" shall not include
32 laboratory services with the exception of laboratory services
33 for which a waiver from regulatory oversight has been obtained
34 under the federal Clinical Laboratory Improvement Amendments of
35 1988, Pub. L. No. 100-578, as amended, radiological services,

1 anesthesiology services, obstetrical services, surgical
2 services, or emergency room services provided by hospitals
3 licensed under chapter 135B.

4 Sec. 1613. Section 135C.9, Code 2023, is amended to read as
5 follows:

6 **135C.9 Inspection before issuance — notice of deficiencies.**

7 1. The department shall not issue a health care facility
8 license to any applicant until:

9 a. The department has ascertained that the staff and
10 equipment of the facility is adequate to provide the care and
11 services required of a health care facility of the category
12 for which the license is sought. Prior to the review and
13 approval of plans and specifications for any new facility
14 and the initial licensing under a new licensee, a resume of
15 the programs and services to be furnished and of the means
16 available to the applicant for providing the same and for
17 meeting requirements for staffing, equipment, and operation
18 of the health care facility, with particular reference to the
19 professional requirements for services to be rendered, shall be
20 submitted in writing to the department for review and approval.
21 The resume shall be reviewed by the department within ten
22 working days and returned to the applicant. The resume shall,
23 upon the department's request, be revised as appropriate by the
24 facility from time to time after issuance of a license.

25 b. The facility has been inspected by the ~~state fire marshal~~
26 ~~or a deputy appointed by the fire marshal for that purpose~~
27 director, who may be a member of a municipal fire department,
28 and the department has received either a certificate of
29 compliance or a provisional certificate of compliance by
30 the facility with the fire hazard and fire safety rules and
31 standards of the department as promulgated by the ~~fire marshal~~
32 director and, where applicable, the fire safety standards
33 required for participation in programs authorized by either
34 Tit. XVIII or Tit. XIX of the United States Social Security
35 Act, codified at 42 U.S.C. §1395 – 139511 and 1396 – 1396g. The

1 certificate or provisional certificate shall be signed by the
2 ~~fire marshal~~ director or the ~~fire marshal's deputy~~ director's
3 designee who made the inspection. If the ~~state fire marshal~~
4 ~~or a deputy~~ director finds a deficiency upon inspection, the
5 notice to the facility shall be provided in a timely manner
6 and shall specifically describe the nature of the deficiency,
7 identifying the Code section or subsection or the rule or
8 standard violated. The notice shall also specify the time
9 allowed for correction of the deficiency, at the end of which
10 time the ~~fire marshal or a deputy~~ director shall perform a
11 follow-up inspection.

12 2. The rules and standards promulgated by the ~~fire marshal~~
13 director pursuant to subsection 1, paragraph "b" of this section
14 shall be substantially in keeping with the latest generally
15 recognized safety criteria for the facilities covered, of which
16 the applicable criteria recommended and published from time
17 to time by the national fire protection association shall be
18 prima facie evidence. The rules and standards promulgated by
19 the ~~fire marshal~~ director shall be promulgated in consultation
20 with the department and shall, to the greatest extent possible,
21 be consistent with rules adopted by the department under this
22 chapter.

23 3. The ~~state fire marshal or the fire marshal's deputy~~
24 director may issue successive provisional certificates of
25 compliance for periods of one year each to a facility which is
26 in substantial compliance with the applicable fire hazard and
27 fire safety rules and standards, upon satisfactory evidence
28 of an intent, in good faith, by the owner or operator of the
29 facility to correct the deficiencies noted upon inspection
30 within a reasonable period of time as determined by the ~~state~~
31 ~~fire marshal or the fire marshal's deputy~~ director. Renewal
32 of a provisional certificate shall be based on a showing
33 of substantial progress in eliminating deficiencies noted
34 upon the last previous inspection of the facility without
35 the appearance of additional deficiencies other than those

1 arising from changes in the fire hazard and fire safety rules,
2 regulations and standards which have occurred since the last
3 previous inspection, except that substantial progress toward
4 achievement of a good faith intent by the owner or operator to
5 replace the entire facility within a reasonable period of time,
6 as determined by the ~~state fire marshal or the fire marshal's~~
7 deputy director, may be accepted as a showing of substantial
8 progress in eliminating deficiencies, for the purposes of this
9 section.

10 4. If a facility subject to licensure under this chapter,
11 a facility exempt from licensure under this chapter pursuant
12 to section 135C.6, or a family home under section 335.25
13 or 414.22, has been issued a certificate of compliance or
14 a provisional certificate of compliance under subsection
15 1 or 3, or has otherwise been approved as complying with
16 a rule or standard by the state or a ~~deputy fire marshal~~
17 the director or a local building department as defined in
18 section 103A.3, the ~~state or deputy fire marshal~~ director
19 or local building department which issued the certificate,
20 provisional certificate, or approval shall not apply additional
21 requirements for compliance with the rule or standard unless
22 the rule or standard is revised in accordance with chapter 17A
23 or with local regulatory procedure following issuance of the
24 certificate, provisional certificate, or approval.

25 Sec. 1614. Section 135C.14, unnumbered paragraph 1, Code
26 2023, is amended to read as follows:

27 The department shall, in accordance with chapter 17A
28 and with the approval of the state board of health, adopt
29 and enforce rules setting minimum standards for health care
30 facilities. In so doing, the department, with the approval
31 of the state board of health, may adopt by reference, with
32 or without amendment, nationally recognized standards and
33 rules, which shall be specified by title and edition, date
34 of publication, or similar information. The rules and
35 standards required by this section shall be formulated in

1 consultation with the director of health and human services or
2 the ~~director's~~ director of health and human services' designee,
3 with the ~~state fire marshal~~ director, and with affected
4 industry, professional, and consumer groups, and shall be
5 designed to further the accomplishment of the purposes of this
6 chapter and shall relate to:

7 Sec. 1615. Section 135C.14, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. Location and construction of the facility, including
10 plumbing, heating, lighting, ventilation, and other housing
11 conditions, which shall ensure the health, safety and comfort
12 of residents and protection from fire hazards. The rules of
13 the department relating to protection from fire hazards and
14 fire safety shall be promulgated by the ~~state fire marshal~~
15 director in consultation with the department, and shall be in
16 keeping with the latest generally recognized safety criteria
17 for the facilities covered of which the applicable criteria
18 recommended and published from time to time by the national
19 fire protection association are prima facie evidence. To
20 the greatest extent possible, the rules promulgated by the
21 ~~state fire marshal~~ director shall be consistent with the rules
22 adopted by the department under this chapter.

23 Sec. 1616. Section 135C.16, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. An authorized representative of the department may
26 enter any licensed health care facility without a warrant,
27 and may examine all records pertaining to the care provided
28 residents of the facility. An authorized representative of the
29 department may contact or interview any resident, employee, or
30 any other person who might have knowledge about the operation
31 of a health care facility. An authorized representative of
32 the department of human services shall have the same right
33 with respect to any facility where one or more residents are
34 cared for entirely or partially at public expense, and an
35 authorized representative of the designated protection and

1 advocacy agency shall have the same right with respect to
2 any facility where one or more residents have developmental
3 disabilities or mental illnesses, and the ~~state fire marshal or~~
4 ~~a deputy appointed pursuant to section 135C.9, subsection 1,~~
5 ~~paragraph "b",~~ director shall have the same right of entry into
6 any facility and the right to inspect any records pertinent
7 to fire safety practices and conditions within that facility,
8 and an authorized representative of the office of long-term
9 care ombudsman shall have the same right with respect to any
10 nursing facility or residential care facility. If any such
11 authorized representative has probable cause to believe that
12 any institution, building, or agency not licensed as a health
13 care facility is in fact a health care facility as defined
14 by this chapter, and upon producing identification that the
15 individual is an authorized representative is denied entry
16 thereto for the purpose of making an inspection, the authorized
17 representative may, with the assistance of the county attorney
18 of the county in which the purported health care facility is
19 located, apply to the district court for an order requiring
20 the owner or occupant to permit entry and inspection of the
21 premises to determine whether there have been any violations of
22 this chapter.

23 Sec. 1617. Section 135C.17, Code 2023, is amended to read
24 as follows:

25 **135C.17 Duties of other departments.**

26 It shall be the duty of the department of human services,
27 ~~state fire marshal,~~ office of long-term care ombudsman, and
28 the officers and agents of other state and local governmental
29 units, and the designated protection and advocacy agency to
30 assist the department in carrying out the provisions of this
31 chapter, insofar as the functions of these respective offices
32 and departments are concerned with the health, welfare, and
33 safety of any resident of any health care facility. It shall
34 be the duty of the department to cooperate with the protection
35 and advocacy agency and the office of long-term care ombudsman

1 by responding to all reasonable requests for assistance and
2 information as required by federal law and this chapter.

3 Sec. 1618. Section 135I.1, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. "*Department*" means the ~~Iowa~~ department of ~~public health~~
6 inspections, appeals, and licensing.

7 Sec. 1619. Section 135K.1, subsection 3, Code 2023, is
8 amended to read as follows:

9 3. "*Department*" means the ~~Iowa~~ department of ~~public health~~
10 inspections, appeals, and licensing.

11 Sec. 1620. Section 136D.2, subsections 1 and 2, Code 2023,
12 are amended to read as follows:

13 1. "*Department*" means the ~~Iowa~~ department of ~~public health~~
14 inspections, appeals, and licensing.

15 2. "*Director*" means the director of ~~public health~~ the
16 department of inspections, appeals, and licensing, or the
17 director's designee.

18 Sec. 1621. Section 137C.35, subsection 2, Code 2023, is
19 amended to read as follows:

20 2. A bed and breakfast inn is subject to regulation,
21 licensing, and inspection under this chapter, but separate
22 toilet and lavatory facilities shall not be required for each
23 guest room. Additionally, a bed and breakfast inn is exempt
24 from fire safety rules adopted pursuant to section 100.35 and
25 applicable to hotels, but is subject to fire safety rules which
26 the ~~state fire marshal~~ director shall specifically adopt for
27 bed and breakfast inns.

28 Sec. 1622. Section 138.1, subsections 4 and 5, Code 2023,
29 are amended to read as follows:

30 4. "*Department*" means the ~~Iowa~~ department of ~~public health~~
31 inspections, appeals, and licensing.

32 5. "*Director*" means the director of ~~public health~~ the
33 department of inspections, appeals, and licensing or the
34 director's designee.

35 Sec. 1623. Section 147.1, subsection 2, Code 2023, is

1 amended to read as follows:

2 2. "*Department*" means the department of ~~public health~~
3 inspections, appeals, and licensing.

4 Sec. 1624. Section 147.82, Code 2023, is amended to read as
5 follows:

6 **147.82 Fee retention.**

7 All fees collected by a board listed in section 147.13 or
8 by the department ~~for the bureau of professional licensure,~~
9 and fees collected pursuant to sections 124.301 and 147.80 and
10 chapter 155A by the board of pharmacy, shall be retained by
11 each board or by the department ~~for the bureau of professional~~
12 ~~licensure.~~ The moneys retained by a board shall be used for
13 any of the board's duties, including but not limited to the
14 addition of full-time equivalent positions for program services
15 and investigations. Revenues retained by a board pursuant
16 to this section shall be considered repayment receipts as
17 defined in section 8.2. Notwithstanding section 8.33, moneys
18 retained by a board pursuant to this section are not subject to
19 reversion to the general fund of the state.

20 Sec. 1625. Section 148C.1, subsection 4, Code 2023, is
21 amended to read as follows:

22 4. "*Department*" means the department of ~~public health~~
23 inspections, appeals, and licensing.

24 Sec. 1626. Section 152B.1, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. "*Department*" means the ~~Iowa~~ department of ~~public health~~
27 inspections, appeals, and licensing.

28 Sec. 1627. Section 154A.1, subsection 2, Code 2023, is
29 amended to read as follows:

30 2. "*Department*" means the ~~Iowa~~ department of ~~public health~~
31 inspections, appeals, and licensing.

32 Sec. 1628. Section 154B.8, Code 2023, is amended to read as
33 follows:

34 **154B.8 Voluntary surrender of license.**

35 The director of ~~public health~~ the department of inspections,

1 appeals, and licensing may accept the voluntary surrender of
2 license if accompanied by a written statement of intention.
3 The voluntary surrender, when accepted, shall have the same
4 force and effect as an order of revocation.

5 Sec. 1629. Section 154B.13, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. The board shall appoint a prescribing psychologist
8 rules subcommittee comprised of a psychologist appointed by
9 the board, a physician appointed by the board of medicine, and
10 a member of the public appointed by the director of ~~public~~
11 ~~health~~ the department of inspections, appeals, and licensing to
12 develop rules for consideration by the board pursuant to this
13 section.

14 Sec. 1630. Section 154E.1, subsection 3, Code 2023, is
15 amended to read as follows:

16 3. "*Department*" means the ~~Iowa~~ department of ~~public health~~
17 inspections, appeals, and licensing.

18 Sec. 1631. Section 155A.13, subsection 3, paragraph d, Code
19 2023, is amended to read as follows:

20 *d.* An applicant seeking a special or limited-use pharmacy
21 license for a proposed telepharmacy site that does not meet the
22 mileage requirement established in paragraph "*c*" and is not
23 statutorily exempt from the mileage requirement may apply to
24 the board for a waiver of the mileage requirement. A waiver
25 request shall only be granted if the applicant can demonstrate
26 to the board that the proposed telepharmacy site is located in
27 an area where there is limited access to pharmacy services and
28 can establish the existence of compelling circumstances that
29 justify waiving the mileage requirement. The board's decision
30 to grant or deny a waiver request shall be a proposed decision
31 subject to mandatory review by the director of ~~public health~~
32 the department of inspections, appeals, and licensing. The
33 director shall review a proposed decision and shall have the
34 power to approve, modify, or veto a proposed decision. The
35 director's decision on a waiver request shall be considered

1 final agency action subject to judicial review under chapter
2 17A.

3 Sec. 1632. Section 156.1A, Code 2023, is amended to read as
4 follows:

5 **156.1A Provision of services.**

6 Nothing contained in this chapter shall be construed
7 as prohibiting the operation of any funeral home, funeral
8 establishment, or cremation establishment by any person,
9 heir, fiduciary, firm, cooperative burial association, or
10 corporation. However, each such person, firm, cooperative
11 burial association, or corporation shall ensure that
12 all mortuary science services are provided by a funeral
13 director, and shall keep the Iowa department of ~~public health~~
14 inspections, appeals, and licensing advised of the name of the
15 funeral director.

16 Sec. 1633. Section 156.10, Code 2023, is amended to read as
17 follows:

18 **156.10 Inspection.**

19 1. The director of ~~public health~~ the department of
20 inspections, appeals, and licensing may inspect all places
21 where dead human bodies are prepared or held for burial,
22 entombment, or cremation, and may adopt and enforce such rules
23 and regulations in connection with the inspection as may be
24 necessary for the preservation of the public health.

25 2. The ~~Iowa~~ department of ~~public health~~ inspections,
26 appeals, and licensing may assess an inspection fee for an
27 inspection of a place where dead human bodies are prepared
28 for burial or cremation. The fee may be determined by the
29 department by rule.

30 Sec. 1634. Section 157.1, subsection 7, Code 2023, is
31 amended to read as follows:

32 7. "*Department*" means the ~~Iowa~~ department of ~~public health~~
33 inspections, appeals, and licensing.

34 Sec. 1635. Section 157.7, subsections 1 and 2, Code 2023,
35 are amended to read as follows:

1 1. The department ~~of inspections and appeals~~ shall
 2 employ personnel pursuant to chapter 8A, subchapter IV, to
 3 perform duties related to inspection functions under this
 4 chapter. The department ~~of inspections and appeals~~ shall, when
 5 possible, integrate inspection efforts under this chapter with
 6 inspections conducted under chapter 158.

7 2. The ~~Iowa~~ department ~~of public health~~ may employ clerical
 8 assistants pursuant to chapter 8A, subchapter IV, to administer
 9 and enforce this chapter. The costs and expenses of the
 10 clerical assistants shall be paid from funds appropriated to
 11 the department ~~of public health~~.

12 Sec. 1636. Section 158.1, subsection 6, Code 2023, is
 13 amended to read as follows:

14 6. "*Department*" means the ~~Iowa~~ department of ~~public health~~
 15 inspections, appeals, and licensing.

16 Sec. 1637. Section 158.6, Code 2023, is amended to read as
 17 follows:

18 **158.6 Inspectors and clerical assistants.**

19 1. The department ~~of inspections and appeals~~ shall
 20 employ personnel pursuant to chapter 8A, subchapter IV, to
 21 perform duties related to inspection functions under this
 22 chapter. The department ~~of inspections and appeals~~ shall, when
 23 possible, integrate inspection efforts under this chapter with
 24 inspections conducted under chapter 157.

25 2. The ~~Iowa~~ department ~~of public health~~ may employ clerical
 26 assistants pursuant to chapter 8A, subchapter IV, to administer
 27 and enforce this chapter. The costs and expenses of the
 28 clerical assistants shall be paid from funds appropriated to
 29 the department ~~of public health~~.

30 Sec. 1638. Section 214A.35, subsection 2, paragraph g, Code
 31 2023, is amended to read as follows:

32 g. The department of agriculture and land stewardship may
 33 cooperate with the department of natural resources and the
 34 ~~state fire marshal~~ department of inspections, appeals, and
 35 licensing in administering and enforcing the provisions of this

1 section.

2 Sec. 1639. Section 218.4, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. The ~~state fire marshal~~ department of inspections,
5 appeals, and licensing shall cause to be made an annual
6 inspection of all the institutions listed in section 218.1
7 and shall make written report thereof to the particular
8 administrator of the state department of human services in
9 control of such institution.

10 Sec. 1640. Section 231B.4, Code 2023, is amended to read as
11 follows:

12 **231B.4 Zoning — fire and safety standards.**

13 An elder group home shall be located in an area zoned
14 for single-family or multiple-family housing or in an
15 unincorporated area and shall be constructed in compliance with
16 applicable local housing codes and the rules adopted for the
17 special classification by the ~~state fire marshal~~ department.
18 In the absence of local building codes, the facility shall
19 comply with the state plumbing code established pursuant to
20 section 135.11 and the state building code established pursuant
21 to section 103A.7 and the rules adopted for the special
22 classification by the ~~state fire marshal~~ department. The
23 rules adopted for the special classification by the ~~state fire~~
24 ~~marshal~~ department regarding second floor occupancy shall be
25 ~~adopted in consultation with the department and shall take into~~
26 consideration the mobility of the tenants.

27 Sec. 1641. Section 231C.4, Code 2023, is amended to read as
28 follows:

29 **231C.4 Fire and safety standards.**

30 The ~~state fire marshal~~ department shall adopt rules, ~~in~~
31 ~~coordination with the department,~~ relating to the certification
32 and monitoring of the fire and safety standards of certified
33 assisted living programs.

34 Sec. 1642. Section 231D.15, Code 2023, is amended to read
35 as follows:

1 **231D.15 Fire and safety standards.**

2 The ~~state fire marshal~~ department shall adopt rules, ~~in~~
3 ~~coordination with the department,~~ relating to the certification
4 and monitoring of the fire and safety standards of adult day
5 services programs.

6 Sec. 1643. Section 235A.15, subsection 2, paragraph d,
7 subparagraph (7), Code 2023, is amended to read as follows:

8 (7) Each licensing board specified under chapter 147 and
9 the ~~Iowa~~ department of ~~public health~~ inspections, appeals,
10 and licensing for the purpose of licensure, certification or
11 registration, disciplinary investigation, or the renewal of
12 licensure, certification or registration, or disciplinary
13 proceedings of health care professionals.

14 Sec. 1644. Section 237.3, subsection 3, Code 2023, is
15 amended to read as follows:

16 3. Rules governing fire safety in facilities with child
17 foster care provided by agencies shall be promulgated by the
18 ~~state fire marshal~~ director of the department of inspections,
19 appeals, and licensing pursuant to section ~~100.1, subsection 5~~
20 10A.511 after consultation with the administrator.

21 Sec. 1645. Section 237A.3A, subsection 3, paragraph c, Code
22 2023, is amended to read as follows:

23 c. In consultation with the ~~state fire marshal~~ director
24 of the department of inspections, appeals, and licensing, the
25 department shall adopt rules relating to the provision of fire
26 extinguishers, smoke detectors, and two exits accessible to
27 children in a child development home.

28 Sec. 1646. Section 237A.4, Code 2023, is amended to read as
29 follows:

30 **237A.4 Inspection and evaluation.**

31 The department shall make periodic inspections of licensed
32 centers to ensure compliance with licensing requirements
33 provided in this chapter, and the local boards of health
34 may make periodic inspections of licensed centers to ensure
35 compliance with health-related licensing requirements provided

1 in this chapter. The department may inspect records maintained
2 by a licensed center and may inquire into matters concerning
3 these centers and the persons in charge. The department
4 shall require that the center be inspected by the ~~state fire~~
5 ~~marshal~~ director of the department of inspections, appeals,
6 and licensing or a designee for compliance with rules relating
7 to fire safety before a license is granted or renewed. The
8 department or a designee may periodically visit registered
9 child development homes for the purpose of evaluation of an
10 inquiry into matters concerning compliance with rules adopted
11 under section 237A.12. Evaluation of child development homes
12 under this section may include consultative services provided
13 pursuant to section 237A.6.

14 Sec. 1647. Section 237A.12, subsections 2, 3, and 4, Code
15 2023, are amended to read as follows:

16 2. Rules adopted by the ~~state fire marshal~~ director of
17 the department of inspections, appeals, and licensing for
18 buildings, other than school buildings, used as child care
19 centers as an adjunct to the primary purpose of the building
20 shall take into consideration that children are received for
21 temporary care only and shall not differ from rules adopted
22 for these buildings when they are used by groups of persons
23 congregating from time to time in the primary use and occupancy
24 of the buildings. However, the rules may require a fire-rated
25 separation from the remaining portion of the building if
26 the ~~fire marshal~~ director of the department of inspections,
27 appeals, and licensing determines that the separation is
28 necessary for the protection of children from a specific
29 flammable hazard.

30 3. Rules relating to fire safety for child care centers
31 shall be adopted under this chapter by the ~~state fire marshal~~
32 director of the department of inspections, appeals, and
33 licensing in consultation with the department. Rules adopted
34 by the ~~state fire marshal~~ director of the department of
35 inspections, appeals, and licensing for a building which is

1 owned or leased by a school district or accredited nonpublic
2 school and used as a child care facility shall not differ from
3 standards adopted by the ~~state fire marshal~~ director of the
4 department of inspections, appeals, and licensing for school
5 buildings under chapter ~~100~~ 10A, subchapter V, part 2. Rules
6 relating to sanitation shall be adopted by the department in
7 consultation with the director of public health. All rules
8 shall be developed in consultation with the state child care
9 advisory committee. The ~~state fire marshal~~ director of the
10 department of inspections, appeals, and licensing shall inspect
11 the facilities.

12 4. If a building is owned or leased by a school district
13 or accredited nonpublic school and complies with standards
14 adopted by the ~~state fire marshal~~ director of the department
15 of inspections, appeals, and licensing for school buildings
16 under chapter ~~100~~ 10A, subchapter V, part 2, the building is
17 considered appropriate for use by a child care facility. The
18 rules adopted by the administrator under this section shall not
19 require the facility to comply with building requirements which
20 differ from requirements for use of the building as a school.

21 Sec. 1648. Section 237C.4, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. Before the ~~administrator~~ department issues or reissues a
24 certificate of approval to a children's residential facility
25 under section 237C.6, the facility shall comply with standards
26 adopted by the ~~state fire marshal~~ director of the department
27 of inspections, appeals, and licensing under chapter ~~100~~ 10A,
28 subchapter V, part 2.

29 Sec. 1649. Section 237C.6, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. The certificate of approval shall state on its face the
32 name of the holder of the certificate, the particular premises
33 for which the certificate is issued, and the number of children
34 who may be cared for by the children's residential facility on
35 the premises at one time under the certificate of occupancy

1 issued by the ~~state fire marshal~~ director of the department of
 2 inspections, appeals, and licensing or the ~~state fire marshal's~~
 3 director's designee. The certificate of approval shall be
 4 posted in a conspicuous place in the children's residential
 5 facility.

6 Sec. 1650. Section 261B.11, subsection 1, paragraph m, Code
 7 2023, is amended to read as follows:

8 *m.* Higher education institutions located in Iowa whose
 9 massage therapy curriculum is approved under administrative
 10 rules of the ~~professional licensure division of the department~~
 11 of ~~public health~~ inspections, appeals, and licensing and whose
 12 instructors are licensed massage therapists under chapter 152C.

13 Sec. 1651. Section 262.33A, Code 2023, is amended to read
 14 as follows:

15 **262.33A Fire and environmental safety — report —**
 16 **expenditures.**

17 It is the intent of the general assembly that each
 18 institution of higher education under the control of the state
 19 board of regents shall, in consultation with the ~~state fire~~
 20 ~~marshal~~ director of the department of inspections, appeals,
 21 and licensing, identify and correct all critical fire and
 22 environmental safety deficiencies. Commencing July 1, 1993,
 23 each institution under the control of the state board of
 24 regents shall expend annually for fire safety and deferred
 25 maintenance at least the amount budgeted for these purposes
 26 for the fiscal year beginning July 1, 1992, in addition to any
 27 moneys appropriated from the general fund for these purposes in
 28 succeeding years.

29 Sec. 1652. Section 272C.1, subsection 6, paragraphs af and
 30 ag, Code 2023, are amended to read as follows:

31 *af.* The department of ~~public safety~~ inspections, appeals,
 32 and licensing, in licensing fire protection system installers
 33 and maintenance workers pursuant to chapter 100D.

34 *ag.* The ~~superintendent of the division of banking~~ director
 35 of the department of ~~commerce~~ inspections, appeals, and

1 licensing in registering and supervising appraisal management
2 companies pursuant to chapter 543E.

3 Sec. 1653. Section 272C.3, subsection 4, paragraph b, Code
4 2023, is amended to read as follows:

5 b. All health care boards shall file written decisions
6 which specify the sanction entered by the board with the Iowa
7 department of ~~public health~~ inspections, appeals, and licensing
8 which shall be available to the public upon request. All
9 non-health care boards shall have on file the written and
10 specified decisions and sanctions entered by the board and
11 shall be available to the public upon request.

12 Sec. 1654. Section 272C.4, subsection 9, Code 2023, is
13 amended to read as follows:

14 9. Require each health care licensing board to file with
15 the Iowa department of ~~public health~~ inspections, appeals,
16 and licensing a copy of each decision of the board imposing
17 licensee discipline. Each non-health care board shall have on
18 file a copy of each decision of the board imposing licensee
19 discipline which copy shall be properly dated and shall be in
20 simple language and in the most concise form consistent with
21 clearness and comprehensiveness of subject matter.

22 Sec. 1655. Section 279.49, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. The facilities housing a program operated under this
25 section shall comply with standards adopted by the ~~state fire~~
26 ~~marshal~~ director of the department of inspections, appeals,
27 and licensing for school buildings under chapter ~~100~~ 10A,
28 subchapter V, part 2. In addition, if a program involves
29 children who are younger than school age, the facilities
30 housing those children shall meet the fire safety standards
31 which would apply to that age of child in a child care facility
32 licensed by the department of human services.

33 Sec. 1656. Section 292.2, subsection 7, unnumbered
34 paragraph 1, Code 2023, is amended to read as follows:

35 The department shall form a task force to review

1 applications for financial assistance and provide
2 recommendations to the school budget review committee. The
3 task force shall include, at a minimum, representatives from
4 the kindergarten through grade twelve education community, the
5 ~~state fire marshal~~ director of the department of inspections,
6 appeals, and licensing, and individuals knowledgeable in school
7 infrastructure and construction issues. The department,
8 in consultation with the task force, shall establish the
9 parameters and the details of the criteria for awarding grants
10 based on the information listed in subsection 3, including
11 greater priority to the following:

12 Sec. 1657. Section 323.4A, subsection 2, paragraph b, Code
13 2023, is amended to read as follows:

14 b. Using a dispenser to dispense ethanol blended gasoline,
15 including gasoline with a specified blend or a range of
16 blends under chapter 214A, if the dispenser is approved as
17 required by the ~~state fire marshal~~ director of the department
18 of inspections, appeals, and licensing for dispensing the
19 specified blend or range of blends, including as provided in
20 section 455G.31.

21 Sec. 1658. Section 423E.6, subsections 2, 3, and 4, Code
22 2023, are amended to read as follows:

23 2. The funds shall be allocated to the school budget
24 review committee to develop a school infrastructure safety
25 fund grant program, in conjunction with the ~~state fire marshal~~
26 director of the department of inspections, appeals, and
27 licensing. For purposes of reviewing grant applications and
28 making recommendations regarding the administration of the
29 program, the ~~state fire marshal~~ director of the department of
30 inspections, appeals, and licensing shall be considered an
31 additional voting member of the school budget review committee.

32 3. Top priority in awarding program grants shall be the
33 making of school infrastructure improvements relating to fire
34 and personal safety. School districts eligible for program
35 grants shall have received an order or citation from the

1 ~~state fire marshal~~ director of the department of inspections,
2 appeals, and licensing, or a fire department chief or fire
3 prevention officer, for one or more fire safety violations
4 regarding a school facility, or in the opinion of the ~~state~~
5 ~~fire marshal~~ director of the department of inspections,
6 appeals, and licensing shall be regarded as operating
7 facilities subject to significant fire safety deficiencies.
8 Grant awards shall also be available for defects or violations
9 of the state building code, as adopted pursuant to section
10 103A.7, revealed during an inspection of school facilities by
11 a local building department, or for improvements consistent
12 with the standards and specifications contained in the state
13 building code regarding ensuring that buildings and facilities
14 are accessible to and functional for persons with disabilities.
15 The school budget review committee shall allocate program
16 funds to school districts which, in its discretion, are
17 determined to be faced with the most severe deficiencies.
18 School districts applying for program grants shall have
19 developed and submitted to the ~~state fire marshal~~ director of
20 the department of inspections, appeals, and licensing or local
21 building department a written plan to remedy fire or safety
22 defects within a specified time frame. Approval of the written
23 plan by the ~~state fire marshal~~ director of the department
24 of inspections, appeals, and licensing or local building
25 department shall be obtained prior to receipt of a grant award
26 by a school district.

27 4. Application forms, submission dates for applications and
28 for written plans to remedy fire or safety defects, and grant
29 award criteria shall be developed by the state department of
30 education, in coordination with the ~~state fire marshal~~ director
31 of the department of inspections, appeals, and licensing, by
32 rule.

33 Sec. 1659. Section 455B.390, subsection 3, Code 2023, is
34 amended to read as follows:

35 3. The storage, transportation, handling, or use of

1 flammable liquids, combustibles, and explosives, control over
2 which is exercised by the ~~state fire marshal~~ director of the
3 department of inspections, appeals, and licensing under chapter
4 ~~100~~ 10A, subchapter V, part 2.

5 Sec. 1660. Section 455B.474, subsection 10, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 Requirements that persons and companies performing or
8 providing services for underground storage tank installations,
9 installation inspections, testing, permanent closure of
10 underground storage tanks by removal or filling in place, and
11 other closure activities as defined by rules adopted by the
12 commission be certified by the department. This provision does
13 not apply to persons performing services in their official
14 capacity and as authorized by the ~~state fire marshal's office~~
15 department of inspections, appeals, and licensing or fire
16 departments of political subdivisions of the state. The rules
17 adopted by the commission shall include all of the following:

18 Sec. 1661. Section 455B.474, subsection 10, paragraph c,
19 Code 2023, is amended to read as follows:

20 c. Requiring a written examination developed and
21 administered by the department or by some other qualified
22 public or private entity identified by the department.
23 The department may contract with a public or private
24 entity to administer the department's examination or a
25 department-approved third party examination. The examination
26 shall, at a minimum, be sufficient to establish knowledge of
27 all applicable underground storage tank rules adopted under
28 this section, private industry standards, federal standards,
29 and other applicable standards adopted by the ~~state fire~~
30 ~~marshal's office~~ department of inspections, appeals, and
31 licensing pursuant to chapter 101.

32 Sec. 1662. Section 455G.31, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. Subject to section 455G.32, a retail dealer may use
35 gasoline storage and dispensing infrastructure to store and

1 dispense ethanol blended gasoline classified as E-9 or higher
2 if the department under this subchapter or the ~~state fire~~
3 ~~marshal~~ director of the department of inspections, appeals,
4 and licensing under chapter 101 determines that the gasoline
5 infrastructure is compatible with the classification of ethanol
6 blended gasoline being used.

7 Sec. 1663. Section 455G.33, subsection 2, paragraph b, Code
8 2023, is amended to read as follows:

9 b. Approved by the department or ~~state fire marshal~~ director
10 of the department of inspections, appeals, and licensing
11 subject to conditions determined necessary by the department or
12 ~~state fire marshal~~ director of the department of inspections,
13 appeals, and licensing. The department or ~~state fire marshal~~
14 director of the department of inspections, appeals, and
15 licensing may waive the requirement in paragraph "a" upon
16 satisfaction that a substitute requirement serves the same
17 purpose.

18 Sec. 1664. Section 542.4, subsection 1, unnumbered
19 paragraph 1, Code 2023, is amended to read as follows:

20 An Iowa accountancy examining board is created within the
21 ~~professional licensing and regulation bureau of the banking~~
22 ~~division of the department of commerce~~ inspections, appeals,
23 and licensing to administer and enforce this chapter.

24 Sec. 1665. Section 542.4, subsection 6, Code 2023, is
25 amended to read as follows:

26 6. The ~~administrator~~ director of the ~~professional licensing~~
27 ~~and regulation bureau of the banking division of the department~~
28 of ~~commerce~~ inspections, appeals, and licensing shall provide
29 staffing assistance to the board for implementing this chapter.

30 Sec. 1666. Section 542B.3, Code 2023, is amended to read as
31 follows:

32 **542B.3 Engineering and land surveying examining board**
33 **created.**

34 An engineering and land surveying examining board is
35 created within the ~~professional licensing and regulation~~

1 ~~bureau of the banking division of the department of commerce~~
 2 inspections, appeals, and licensing. The board consists of
 3 three members who are licensed professional engineers, two
 4 members who are licensed professional land surveyors, and
 5 two members who are not licensed professional engineers or
 6 licensed professional land surveyors and who shall represent
 7 the general public. An individual who is licensed as both
 8 a professional engineer and a professional land surveyor may
 9 serve to satisfy the board membership requirement for either
 10 a licensed professional engineer or a licensed professional
 11 land surveyor, but not both. Members shall be appointed
 12 by the governor subject to confirmation by the senate. A
 13 licensed member shall be actively engaged in the practice of
 14 engineering or land surveying and shall have been so engaged
 15 for five years preceding the appointment, the last two of which
 16 shall have been in Iowa. Insofar as practicable, licensed
 17 engineer members of the board shall be from different branches
 18 of the profession of engineering. Professional associations
 19 or societies composed of licensed engineers or licensed land
 20 surveyors may recommend the names of potential board members
 21 whose profession is representative of that association or
 22 society to the governor. However, the governor is not bound by
 23 the recommendations. A board member shall not be required to
 24 be a member of any professional association or society composed
 25 of professional engineers or professional land surveyors.

26 Sec. 1667. Section 542B.9, Code 2023, is amended to read as
 27 follows:

28 **542B.9 Organization of the board — staff.**

29 The board shall elect annually from its members a
 30 chairperson and a vice chairperson. The ~~administrator~~ director
 31 of the ~~professional licensing and regulation bureau of the~~
 32 ~~banking division of the department of commerce~~ inspections,
 33 appeals, and licensing shall hire and provide staff to assist
 34 the board in implementing this chapter. The board shall hold
 35 at least one meeting at the location of the board's principal

1 office, and meetings shall be called at other times by the
2 ~~administrator~~ director or the director's designee at the
3 request of the chairperson or four members of the board. At
4 any meeting of the board, a majority of members constitutes a
5 quorum.

6 Sec. 1668. Section 543B.8, subsections 1 and 5, Code 2023,
7 are amended to read as follows:

8 1. A real estate commission is created within the
9 ~~professional licensing and regulation bureau of the banking~~
10 ~~division of the department of commerce~~ inspections, appeals,
11 and licensing. The commission consists of five members
12 licensed under this chapter and two members not licensed under
13 this chapter and who shall represent the general public.
14 Commission members shall be appointed by the governor subject
15 to confirmation by the senate.

16 5. The ~~administrator~~ director of the ~~professional licensing~~
17 ~~and regulation bureau of the banking division~~ department of
18 inspections, appeals, and licensing shall hire and provide
19 staff to assist the commission with implementing this chapter.
20 ~~The administrator of the professional licensing and regulation~~
21 ~~bureau of the banking division of the department of commerce~~
22 and shall hire a real estate education director to assist
23 the commission in administering education programs for the
24 commission.

25 Sec. 1669. Section 543B.14, Code 2023, is amended to read
26 as follows:

27 **543B.14 Fees and expenses.**

28 All fees and charges collected by the real estate commission
29 under this chapter shall be paid into the general fund of the
30 state, except that twenty-five dollars from each real estate
31 salesperson's license fee and each broker's license fee ~~is~~
32 ~~appropriated to the professional licensing and regulation~~
33 ~~bureau of the banking division of the department of commerce~~
34 shall be appropriated to the department of inspections,
35 appeals, and licensing for the purpose of hiring and

1 compensating a real estate education director and regulatory
2 compliance personnel. All expenses incurred by the commission
3 under this chapter, including compensation of staff assigned
4 to the commission, shall be paid from funds appropriated for
5 those purposes.

6 Sec. 1670. Section 543D.2, Code 2023, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 9A. "*Director*" means the director of
9 the department of inspections, appeals, and licensing or the
10 director's designee.

11 Sec. 1671. Section 543D.2, subsection 14, Code 2023, is
12 amended by striking the subsection.

13 Sec. 1672. Section 543D.4, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. A real estate appraiser examining board is established
16 within the ~~banking division of the department of commerce~~
17 inspections, appeals, and licensing. The board consists of
18 seven members, two of whom shall be public members and five of
19 whom shall be certified real estate appraisers.

20 Sec. 1673. Section 543D.5, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. The board shall adopt rules establishing uniform
23 appraisal standards and appraiser certification requirements
24 and other rules necessary to administer and enforce this
25 chapter and its responsibilities under chapter 272C, subject to
26 the ~~superintendent's~~ director's supervision and authority under
27 section 543D.23. The board shall consider and may incorporate
28 any standards required or recommended by the appraisal
29 foundation or by a federal agency with regulatory authority
30 over appraisal standards or the certification of appraisers for
31 federally related transactions.

32 Sec. 1674. Section 543D.6, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. All fees collected by the board shall be deposited into
35 the ~~department of commerce~~ revolving fund created in section

1 546.12 and are appropriated to the ~~superintendent~~ director on
 2 behalf of the board to be used to administer this chapter,
 3 including but not limited to purposes such as examinations,
 4 investigations, and administrative staffing. Notwithstanding
 5 section 8.33, moneys retained by the ~~superintendent~~ director
 6 pursuant to this section are not subject to reversion to the
 7 general fund of the state. However, the appraisal management
 8 company national registry fees the board collects on behalf of
 9 the appraisal subcommittee as defined in section 543E.3 shall
 10 be transmitted to the appraisal subcommittee in accordance with
 11 federal laws and regulations.

12 Sec. 1675. Section 543D.23, Code 2023, is amended to read
 13 as follows:

14 **543D.23 ~~Superintendent~~ Director supervision and authority.**

15 1. The ~~superintendent~~ director shall supervise the
 16 board and manage the board's budget and retained fees.
 17 The ~~superintendent~~ director may exercise all authority
 18 conferred upon the board under this chapter and shall have
 19 access to all records and information to which the board
 20 has access. In supervising the board, the ~~superintendent~~
 21 director shall independently evaluate the substantive merits
 22 of actions recommended or proposed by the board which may
 23 be anticompetitive and shall have the authority to review,
 24 approve, modify, or reject all board actions including but not
 25 limited to those taken in connection with any of the following:

26 a. Initial or reciprocal certification of real estate
 27 appraisers, registration of associate real estate appraisers,
 28 and temporary practice permits.

29 b. Disciplinary investigations and proceedings.

30 c. Investigations and proceedings under section 543D.21.

31 d. Rulemaking under chapter 17A, including orders on
 32 petitions for rulemaking.

33 e. Orders on petitions for declaratory orders or waivers.

34 2. A person aggrieved by any final action of the board taken
 35 under this chapter shall not have exhausted administrative

1 remedies until the person has appealed the action to the
2 ~~superintendent~~ director and the ~~superintendent~~ director has
3 issued a final decision or order.

4 3. The ~~superintendent~~ director shall adopt rules to
5 implement this section.

6 Sec. 1676. Section 543E.3, subsection 1, Code 2023, is
7 amended by striking the subsection.

8 Sec. 1677. Section 543E.3, subsection 8, Code 2023, is
9 amended to read as follows:

10 8. "*Appraiser panel*" means a network, list, or roster of
11 certified appraisers who are independent contractors with
12 an appraisal management company and who have been selected
13 and approved by the appraisal management company to perform
14 appraisals directly for the appraisal management company or
15 for persons that have ordered appraisals through the appraisal
16 management company. Appraisers on an appraisal management
17 company's appraiser panel may include both appraisers engaged
18 to perform one or more appraisals for covered transactions or
19 for secondary mortgage market participants in connection with
20 covered transactions, and appraisers accepted by the appraisal
21 management company for consideration for future appraisal
22 assignments for such purposes, as the ~~administrator~~ director
23 may further provide by rule.

24 Sec. 1678. Section 543E.3, Code 2023, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 13A. "*Director*" means the director of
27 the department of inspections, appeals, and licensing or the
28 director's designee.

29 Sec. 1679. Section 543E.4, Code 2023, is amended to read as
30 follows:

31 **543E.4 Registration required.**

32 A person shall not directly or indirectly engage in or
33 attempt to engage in business as an appraisal management
34 company or advertise or hold itself out as engaging in or
35 conducting business as an appraisal management company in

1 this state without first registering with the ~~administrator~~
2 director.

3 Sec. 1680. Section 543E.6, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. A person who directly or indirectly owns more than
6 ten percent of an appraisal management company in this
7 state shall be of good moral character, as prescribed by
8 rules adopted by the ~~administrator~~ director consistent with
9 applicable federal law and regulations, and shall submit to a
10 background investigation, as prescribed by rules adopted by the
11 ~~administrator~~ director consistent with applicable federal law
12 and regulations.

13 Sec. 1681. Section 543E.7, subsections 1 and 3, Code 2023,
14 are amended to read as follows:

15 1. An appraisal management company registered or applying
16 for registration in this state shall designate a controlling
17 person who shall be the main contact for all communications
18 between the ~~administrator~~ director and the appraisal management
19 company, and who shall be responsible for assuring the
20 appraisal management company complies with the provisions of
21 this chapter when performing appraisal management services in
22 connection with real estate located in this state.

23 3. The designated controlling person shall be of good moral
24 character, as prescribed by rules adopted by the ~~administrator~~
25 director consistent with applicable federal law and
26 regulations, and shall submit to a background investigation,
27 as prescribed by rules adopted by the ~~administrator~~ director
28 consistent with applicable federal law and regulations.

29 Sec. 1682. Section 543E.8, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. An application for registration as an appraisal
32 management company shall be submitted on a form prescribed by
33 the ~~administrator~~ director.

34 Sec. 1683. Section 543E.8, subsection 2, paragraphs b, c,
35 and f, Code 2023, are amended to read as follows:

1 *b.* The names and contact information for all persons
2 who directly or indirectly own more than ten percent of the
3 applicant and for the controlling person designated pursuant
4 to section 543E.7, and such additional information the
5 ~~administrator~~ director may need to enforce section 543E.6,
6 subsection 1.

7 *c.* Information as reasonably necessary to establish the size
8 of the applicant's nationwide and Iowa appraiser panels, in
9 accordance with rules adopted by the ~~administrator~~ director.

10 *f.* Any additional information that is reasonably needed
11 for the ~~administrator~~ director to implement the provisions of
12 this chapter and assure that the applicant is eligible for
13 registration under this chapter.

14 Sec. 1684. Section 543E.9, Code 2023, is amended to read as
15 follows:

16 **543E.9 Registration renewal.**

17 1. A registration issued under this chapter shall be valid
18 for one year as provided by rule.

19 2. An application to renew registration shall be submitted
20 in the form and in the manner prescribed by the ~~administrator~~
21 director. The ~~administrator~~ director may further require
22 periodic disclosures of changes impacting registration, such as
23 a change in ownership or the designated controlling person.

24 3. An application to renew registration shall contain the
25 information described in section 543E.8, subsection 2.

26 4. A registration issued under this chapter shall lapse if
27 not timely renewed, in accordance with rules adopted by the
28 ~~administrator~~ director.

29 5. A person holding a lapsed registration shall not directly
30 or indirectly engage in or attempt to engage in business as an
31 appraisal management company or advertise or hold itself out as
32 engaging in or conducting business as an appraisal management
33 company in this state until the registration has been
34 reinstated under the process prescribed by the ~~administrator~~
35 director by rule.

1 Sec. 1685. Section 543E.10, Code 2023, is amended to read
2 as follows:

3 **543E.10 Fees.**

4 1. The ~~administrator~~ director shall by rule establish fees
5 for registration, renewal, reinstatement, and such additional
6 fees as are reasonably necessary for the administration of this
7 chapter. The fees shall be established in consideration of
8 the costs of administering this chapter and the actual cost
9 of the specific service to be provided or performed. The
10 ~~administrator~~ director shall periodically review and adjust the
11 schedule of fees as needed to cover projected expenses.

12 2. Except as provided in subsection 3, all fees collected
13 under this chapter shall be deposited into the ~~department of~~
14 commerce revolving fund created in section 546.12 and are
15 appropriated to the ~~administrator~~ director to be used to
16 administer this chapter including but not limited to purposes
17 such as examinations, investigations, and administrative
18 staffing. Notwithstanding section 8.33, moneys appropriated
19 pursuant to this subsection are not subject to reversion to the
20 general fund of the state.

21 3. The ~~administrator~~ director shall ~~also~~ collect the
22 appraisal management company national registry fee from each
23 appraisal management company seeking to register in this state
24 and from federally regulated appraisal management companies
25 operating in this state. The ~~administrator~~ director shall
26 transfer all appraisal management company national registry
27 fees collected by the ~~administrator~~ director to the appraisal
28 subcommittee.

29 Sec. 1686. Section 543E.12, subsections 3 and 4, Code 2023,
30 are amended to read as follows:

31 3. An appraisal management company that has a reasonable
32 basis to believe an appraiser has materially failed to comply
33 with the uniform standards of professional appraisal practice
34 or has otherwise materially violated chapter 543D or this
35 chapter shall refer the matter to the ~~administrator~~ director

1 in conformance with applicable federal law and regulations.
2 An appraisal management company that has a reasonable basis
3 to believe another appraisal management company is failing
4 to comply with the provisions of this chapter shall refer
5 the matter to the ~~administrator~~ director in conformance with
6 section 272C.9, subsection 2.

7 4. An appraiser who is employed by or is on the appraiser
8 panel of an appraisal management company registered under this
9 chapter who has a reasonable basis to believe the appraisal
10 management company is in violation of this chapter shall refer
11 the matter to the ~~administrator~~ director.

12 Sec. 1687. Section 543E.13, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. An appraisal management company shall maintain a
15 detailed record of each service request the appraisal
16 management company receives involving real estate located in
17 this state and the identity of the appraiser who performs the
18 appraisal assignment. All such records shall be maintained for
19 at least five years after the request is sent by the appraisal
20 management company to the appraiser or the completion of the
21 appraisal report, whichever period expires later. An appraisal
22 management company shall maintain such additional records
23 regarding appraisal management services performed in this state
24 as the ~~administrator~~ director may specify by rule.

25 Sec. 1688. Section 543E.15, subsection 4, Code 2023, is
26 amended to read as follows:

27 4. Remove an appraiser from an appraiser panel without prior
28 written notice that identifies the basis for removal. Upon
29 request or in conjunction with an examination, an appraisal
30 management company shall forward to the ~~administrator~~ director
31 copies of such notices issued to an appraiser located or
32 certified in Iowa.

33 Sec. 1689. Section 543E.17, subsection 1, unnumbered
34 paragraph 1, Code 2023, is amended to read as follows:

35 After notice and hearing, the ~~administrator~~ director may

1 revoke, suspend, or refuse to issue, renew, or reinstate
2 a registration; reprimand, censure, or limit the scope of
3 practice of any registrant; impose a civil penalty not to
4 exceed ten thousand dollars per violation; require remedial
5 action; or place any registrant on probation; all with or
6 without terms, conditions, or in combinations of remedies, for
7 any one or more of the following reasons:

8 Sec. 1690. Section 543E.17, subsection 2, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:

10 When determining whether to initiate a disciplinary
11 proceeding against an appraisal management company based
12 on actions or omissions by an employee, owner, director,
13 controlling person, or other agent of the appraisal
14 management company, the ~~administrator~~ director shall take into
15 consideration all of the following:

16 Sec. 1691. Section 543E.18, Code 2023, is amended to read
17 as follows:

18 **543E.18 Unlawful practice — complaints and investigations —**
19 **remedies and penalties.**

20 1. If, as the result of a complaint or otherwise, the
21 ~~administrator~~ director believes that a person has engaged, or
22 is about to engage, in an act or practice that constitutes or
23 will constitute a violation of this chapter, the ~~administrator~~
24 director may make application to the district court for an
25 order enjoining such act or practice. Upon a showing by the
26 ~~administrator~~ director that such person has engaged, or is
27 about to engage, in any such act or practice, an injunction,
28 restraining order, or other order as may be appropriate shall
29 be granted by the district court.

30 2. The ~~administrator~~ director may investigate a complaint
31 or initiate a complaint against a person who is not registered
32 under this chapter to determine whether grounds exist to make
33 application to the district court pursuant to subsection 1 or
34 to issue an order pursuant to subsection 3, and in connection
35 with such complaint or investigation may issue subpoenas to

1 compel witnesses to testify or persons to produce evidence
2 consistent with the provisions of section 272C.6, subsection
3 3, as needed to determine whether probable cause exists to
4 initiate a proceeding under this section or to make application
5 to the district court for an order enjoining a violation of
6 this chapter.

7 3. In addition to or as an alternative to making application
8 to the district court for an injunction, the ~~administrator~~
9 director may issue an order to a person who is not registered
10 under this chapter to require compliance with this chapter
11 and may impose a civil penalty against such person for any
12 violation specified in subsection 4 in an amount up to ten
13 thousand dollars for each violation. All civil penalties
14 collected pursuant to this section shall be deposited in the
15 housing trust fund created in section 16.181. An order issued
16 pursuant to this section may prohibit a person from applying
17 for registration under this chapter or certification or
18 registration under chapter 543D.

19 4. The ~~administrator~~ director may impose a civil penalty
20 against a person who is not registered under this chapter for
21 any of the following:

22 a. A violation of section 543E.4.

23 b. A violation of section 543D.18A, subsection 1.

24 c. Fraud, deceit, or deception, through act or omission,
25 in connection with an application for registration under this
26 chapter.

27 5. The ~~administrator~~ director, before issuing an order
28 under this section, shall provide the person written notice
29 and the opportunity to request a hearing. The hearing must
30 be requested within thirty days after receipt of the notice
31 and shall be conducted in the same manner as provided for
32 disciplinary proceedings involving a registrant under this
33 chapter.

34 6. A person aggrieved by the imposition of a civil penalty
35 under this section may seek judicial review pursuant to section

1 17A.19.

2 7. If a person fails to pay a civil penalty within thirty
3 days after entry of an order imposing the civil penalty, or if
4 the order is stayed pending an appeal, within ten days after
5 the court enters a final judgment in favor of the ~~administrator~~
6 director, the ~~administrator~~ director shall notify the attorney
7 general. The attorney general may commence an action to
8 recover the amount of the penalty, including reasonable
9 attorney fees and costs.

10 8. An action to enforce an order under this section may be
11 joined with an action for an injunction.

12 Sec. 1692. Section 543E.19, Code 2023, is amended to read
13 as follows:

14 **543E.19 Surety bond.**

15 1. The ~~administrator~~ director shall require that an
16 appraisal management company be covered by a surety bond in the
17 amount of twenty-five thousand dollars.

18 2. The surety bond shall be in a form as prescribed by
19 the ~~administrator~~ director. The ~~administrator~~ director may,
20 pursuant to rule, determine requirements for such surety
21 bonds as are necessary to accomplish the purposes of this
22 chapter. The requirements for a surety bond shall only relate
23 to liabilities, damages, losses, or claims arising out of
24 the appraisal management services performed by the appraisal
25 management company involving real estate located in this state.
26 The bond shall provide that a person having a claim against an
27 appraisal management company may bring suit directly on the
28 bond or the ~~administrator~~ director may bring suit on behalf of
29 such person.

30 Sec. 1693. Section 543E.20, subsections 1, 3, 4, and 5, Code
31 2023, are amended to read as follows:

32 1. The ~~administrator~~ director is vested with broad
33 administrative authority to administer, interpret, and enforce
34 this chapter and to promulgate rules implementing this chapter.

35 3. The ~~administrator~~ director may conduct periodic

1 examinations of applicants or registrants under this chapter as
2 reasonably necessary to assure compliance with all or specific
3 provisions of this chapter. All papers, documents, examination
4 reports, and other records relating to such examinations shall
5 be confidential as provided in section 272C.6, subsection 4,
6 except as provided in this section.

7 4. The ~~administrator~~ director may adopt rules governing
8 an appraiser's use of associate real estate appraisers while
9 performing appraisal assignments subject to this chapter.
10 Associate real estate appraisers may provide appraisal services
11 under the supervision of a certified appraiser as provided
12 in chapter 543D and associated rules, but shall not be on an
13 appraiser panel of an appraisal management company.

14 5. The ~~administrator~~ director may require a national
15 criminal history check through the federal bureau of
16 investigation or, if authorized by federal law or regulation,
17 the nationwide mortgage licensing system and registry,
18 as defined in section 535D.3, when conducting background
19 investigations under this chapter. Except as inconsistent with
20 the registry, the following shall apply:

21 a. The ~~administrator~~ director may require owners and
22 controlling persons who are subject to the background
23 investigation provisions of sections 543E.6 and 543E.7 to
24 provide a full set of fingerprints, in a form and manner
25 prescribed by the ~~administrator~~ director. Such fingerprints,
26 if required, shall be submitted to the federal bureau of
27 investigation through the state criminal history repository for
28 purposes of the national criminal history check.

29 b. The ~~administrator~~ director may also request and obtain,
30 notwithstanding section 692.2, subsection 5, criminal history
31 data for owners and controlling persons who are subject to the
32 background investigation provisions of sections 543E.6 and
33 543E.7. A request for criminal history data shall be submitted
34 to the department of public safety, division of criminal
35 investigation, pursuant to section 692.2, subsection 1.

1 ~~c.~~ The ~~administrator~~ director shall inform such owners and
 2 controlling persons of the requirement of a national criminal
 3 history check or request for criminal history data and obtain
 4 a signed waiver from the applicant, certificate holder, or
 5 registrant prior to requesting the check or data.

6 ~~d.~~ The ~~administrator~~ director may, in addition to any other
 7 fees, charge and collect such amounts as may be incurred by the
 8 ~~administrator~~ director, the department of public safety, or the
 9 federal bureau of investigation in obtaining criminal history
 10 information. Amounts collected shall be considered repayment
 11 receipts as defined in section 8.2.

12 ~~e.~~ Criminal history data and other criminal history
 13 information relating to affected owners or controlling persons,
 14 or their appraisal management companies obtained by the
 15 ~~administrator~~ director pursuant to this section shall remain
 16 confidential. Such information may, however, be used by the
 17 ~~administrator~~ director in a registration denial, enforcement,
 18 or disciplinary proceeding.

19 Sec. 1694. Section 543E.20, subsection 2, unnumbered
 20 paragraph 1, Code 2023, is amended to read as follows:

21 In addition to the duties and powers conferred upon the
 22 ~~administrator~~ director in this chapter, the ~~administrator~~
 23 director shall have the authority to adopt such rules as are
 24 reasonably necessary to assure the ~~administrator's~~ director's
 25 registration and supervision of appraisal management companies
 26 comply with the minimum requirements of 12 U.S.C. §3352 and
 27 related federal laws and regulations, with respect to any of
 28 the following:

29 Sec. 1695. Section 544A.1, subsection 2, Code 2023, is
 30 amended to read as follows:

31 2. The architectural examining board is created within the
 32 ~~professional licensing and regulation bureau of the banking~~
 33 ~~division of the department of commerce~~ inspections, appeals,
 34 and licensing. The board consists of five members who possess
 35 a license issued under section 544A.9 and who have been in

1 active practice of architecture for not less than five years,
 2 the last two of which shall have been in Iowa, and two members
 3 who do not possess a license issued under section 544A.9
 4 and who shall represent the general public. Members shall
 5 be appointed by the governor subject to confirmation by the
 6 senate.

7 Sec. 1696. Section 544A.5, Code 2023, is amended to read as
 8 follows:

9 **544A.5 Duties.**

10 The architectural examining board shall enforce this
 11 chapter, shall adopt rules pursuant to chapter 17A for the
 12 examination of applicants for the license provided by this
 13 chapter, and shall, after due public notice, hold meetings each
 14 year for the purpose of examining applicants for licensure
 15 and the transaction of business pertaining to the affairs of
 16 the board. Examinations shall be given as often as deemed
 17 necessary, but not less than annually. Action at a meeting
 18 shall not be taken without the affirmative votes of a majority
 19 of the members of the board. The ~~administrator~~ director of the
 20 ~~professional licensing and regulation bureau of the banking~~
 21 ~~division of the department of commerce~~ inspections, appeals,
 22 and licensing shall hire and provide staff to assist the board
 23 with implementing this chapter.

24 Sec. 1697. Section 544B.3, subsection 1, Code 2023, is
 25 amended to read as follows:

26 1. A landscape architectural examining board is created
 27 within the ~~professional licensing and regulation bureau of the~~
 28 ~~banking division of the department of commerce~~ inspections,
 29 appeals, and licensing. The board consists of five members
 30 who are professional landscape architects and two members
 31 who are not professional landscape architects and who shall
 32 represent the general public. Members shall be appointed by
 33 the governor, subject to confirmation by the senate. Four of
 34 the five professional members shall be actively engaged in the
 35 practice of landscape architecture or the teaching of landscape

1 architecture in an accredited college or university, and shall
 2 have been so engaged for five years preceding appointment,
 3 the last two of which shall have been in Iowa. One of the
 4 five professional members shall be actively engaged in the
 5 practice of landscape architecture or the teaching of landscape
 6 architecture in an accredited college or university, and may
 7 have been so engaged for fewer than five years preceding
 8 appointment but at least one year preceding appointment.
 9 Associations or societies composed of professional landscape
 10 architects may recommend the names of potential board members
 11 to the governor. However, the governor is not bound by the
 12 recommendations. A board member shall not be required to be a
 13 member of any professional association or society composed of
 14 professional landscape architects.

15 Sec. 1698. Section 544B.5, Code 2023, is amended to read as
 16 follows:

17 **544B.5 Duties.**

18 The board shall enforce this chapter and shall make rules
 19 for the examination of applicants for licensure. The board
 20 shall keep a record of its proceedings. The board shall adopt
 21 an official seal which shall be affixed to all certificates
 22 of licensure granted. The board may make other rules, not
 23 inconsistent with law, as necessary for the proper performance
 24 of its duties. The board shall maintain a roster showing
 25 the name, place of business, and residence, and the date and
 26 number of the certificate of licensure of every professional
 27 landscape architect in this state. ~~The administrator of the~~
 28 ~~professional licensing and regulation bureau of the banking~~
 29 ~~division~~ director of the department of commerce inspections,
 30 appeals, and licensing shall hire and provide staff to assist
 31 the board in implementing this chapter.

32 Sec. 1699. Section 544C.1, subsection 2, Code 2023, is
 33 amended by striking the subsection and inserting in lieu
 34 thereof the following:

35 2. "*Department*" means the department of inspections,

1 appeals, and licensing.

2 Sec. 1700. Section 544C.2, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. An interior design examining board is established
5 within the ~~bureau~~ department. The board consists of seven
6 members: five members who are interior designers who are
7 registered under this chapter and who have been in the active
8 practice of interior design for not less than five years, the
9 last two of which shall have been in Iowa; and two members who
10 are not registered under this chapter and who shall represent
11 the general public. Members shall be appointed by the governor
12 subject to confirmation by the senate.

13 Sec. 1701. Section 544C.3, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. The ~~administrator~~ director of the ~~bureau~~ department
16 shall provide staff to assist the board in the implementation
17 of this chapter.

18 Sec. 1702. Section 544C.5, unnumbered paragraph 1, Code
19 2023, is amended to read as follows:

20 Each applicant for registration must meet the interior
21 design education and practical training requirements adopted by
22 rule by the board, and have passed an examination prescribed
23 by the board that is task-oriented, focused on public
24 safety, and validated by a recognized testing agency. The
25 ~~bureau~~ department shall register an individual who submits
26 an application to the board on the form and in the manner
27 prescribed by the board as a registered interior designer if
28 the individual satisfies the following requirements:

29 Sec. 1703. Section 546.3, subsection 2, Code 2023, is
30 amended by striking the subsection.

31 Sec. 1704. Section 546.10, Code 2023, is amended to read as
32 follows:

33 ~~546.10 Professional licensing~~ Licensing and regulation bureau
34 ~~—superintendent of banking of business and commerce-related~~
35 professions.

1 1. a. ~~The professional licensing and regulation bureau of~~
2 ~~the banking division department~~ shall administer and coordinate
3 the licensing and regulation of several professions by bringing
4 together the following licensing boards:
5 ~~a.~~ (1) The engineering and land surveying examining board
6 created pursuant to chapter 542B.
7 ~~b.~~ (2) The Iowa accountancy examining board created
8 pursuant to chapter 542.
9 ~~c.~~ (3) The real estate commission created pursuant to
10 chapter 543B.
11 (4) The real estate appraiser examining board created
12 pursuant to chapter 543D.
13 ~~d.~~ (5) The architectural examining board created pursuant
14 to chapter 544A.
15 ~~e.~~ (6) The landscape architectural examining board created
16 pursuant to chapter 544B.
17 ~~f.~~ (7) The interior design examining board created pursuant
18 to chapter 544C.
19 b. The director shall administer chapter 543E.
20 2. ~~The bureau is headed by the administrator of professional~~
21 ~~licensing and regulation who shall be the superintendent~~
22 ~~of banking.~~ The ~~administrator~~ director shall appoint and
23 supervise staff and shall coordinate activities for the
24 licensing boards within the ~~bureau~~ department pursuant to
25 subsection 1 and for the administration of chapter 543E.
26 3. a. The licensing and regulation examining boards
27 included in the bureau pursuant to subsection 1 retain the
28 powers granted them pursuant to the chapters in which they
29 are created, except for budgetary and personnel matters which
30 shall be handled by the ~~administrator~~ director. Each licensing
31 board shall adopt rules pursuant to chapter 17A. Decisions by
32 a licensing board are final agency actions for purposes of
33 chapter 17A.
34 b. Notwithstanding subsection 5, eighty-five percent of the
35 funds received annually resulting from an increase in licensing

1 fees implemented on or after April 1, 2002, by a licensing
 2 board or commission listed in subsection 1, paragraph "a",
 3 subparagraphs (1), (2), (3), (5), (6), and (7), is appropriated
 4 to the ~~professional licensing and regulation bureau~~ department
 5 to be allocated to the board or commission for the fiscal
 6 year beginning July 1, 2002, and succeeding fiscal years, for
 7 purposes related to the duties of the board or commission,
 8 including but not limited to additional full-time equivalent
 9 positions. In addition, notwithstanding subsection 5,
 10 twenty-five dollars from each real estate salesperson's license
 11 fee and each broker's license fee received pursuant to section
 12 543B.14 is appropriated to the ~~professional licensing and~~
 13 ~~regulation bureau~~ department for the purpose of hiring and
 14 compensating a real estate education director and regulatory
 15 compliance personnel. The director of the department of
 16 administrative services shall draw warrants upon the treasurer
 17 of state from the funds appropriated as provided in this
 18 section and shall make the funds available to the ~~professional~~
 19 ~~licensing and regulation bureau~~ department on a monthly basis
 20 during each fiscal year.

21 4. The ~~professional licensing and regulation bureau of~~
 22 ~~the banking division of the department of commerce~~ may expend
 23 additional funds, including funds for additional personnel, if
 24 those additional expenditures are directly the cause of actual
 25 examination expenses exceeding funds budgeted for examinations.
 26 Before the ~~bureau~~ department expends or encumbers an amount in
 27 excess of the funds budgeted for examinations, the director of
 28 the department of management shall approve the expenditure or
 29 encumbrance. Before approval is given, the director of the
 30 department of management shall determine that the examination
 31 expenses exceed the funds budgeted by the general assembly to
 32 the ~~bureau~~ department and the ~~bureau~~ department does not have
 33 other funds from which the expenses can be paid. Upon approval
 34 of the director of the department of management, the ~~bureau~~
 35 department may expend and encumber funds for excess examination

1 expenses. The amounts necessary to fund the examination
2 expenses shall be collected as fees from additional examination
3 applicants and shall be treated as repayment receipts as
4 defined in section 8.2, subsection 8.

5 5. Fees collected under chapters 542, 542B, 543B, 544A,
6 544B, and 544C shall be paid to the treasurer of state and
7 credited to the general fund of the state. All expenses
8 required in the discharge of the duties and responsibilities
9 imposed upon the ~~professional licensing and regulation bureau~~
10 ~~of the banking division of the department of commerce, the~~
11 ~~administrator~~ director, and the licensing boards by the laws
12 of this state shall be paid from moneys appropriated by the
13 general assembly for those purposes. All fees deposited into
14 the general fund of the state, as provided in this subsection,
15 shall be subject to the requirements of section 8.60.

16 6. The licensing boards included in the ~~bureau~~ department
17 pursuant to subsection 1 may refuse to issue or renew a license
18 to practice a profession to any person otherwise qualified
19 upon any of the grounds for which a license may be revoked
20 or suspended or a licensee may otherwise be disciplined, or
21 upon any other grounds set out in the chapter governing the
22 respective board.

23 7. The licensing boards included in the ~~bureau~~ department
24 pursuant to subsection 1 may suspend, revoke, or refuse to
25 issue or renew a license, or may discipline a licensee based
26 upon a suspension, revocation, or other disciplinary action
27 taken by a licensing authority in this or another state,
28 territory, or country. For purposes of this subsection,
29 "*disciplinary action*" includes the voluntary surrender of
30 a license to resolve a pending disciplinary investigation
31 or proceeding. A certified copy of the record or order
32 of suspension, revocation, voluntary surrender, or other
33 disciplinary action is prima facie evidence of such fact.

34 8. Notwithstanding any other provision of law to the
35 contrary, the licensing boards included within the ~~bureau~~

1 department pursuant to subsection 1 may by rule establish the
2 conditions under which an individual licensed in a different
3 jurisdiction may be issued a reciprocal or comity license, if,
4 in the board's discretion, the applicant's qualifications for
5 licensure are substantially equivalent to those required of
6 applicants for initial licensure in this state.

7 9. Notwithstanding section 272C.6, the licensing boards
8 included within the ~~bureau~~ department pursuant to subsection
9 1 may by rule establish the conditions under which the board
10 may supply to a licensee who is the subject of a disciplinary
11 complaint or investigation, prior to the initiation of a
12 disciplinary proceeding, all or such parts of a disciplinary
13 complaint, disciplinary or investigatory file, report, or other
14 information, as the board in its sole discretion believes would
15 aid the investigation or resolution of the matter.

16 10. Notwithstanding section 17A.6, subsection 2, the
17 licensing boards included within the ~~bureau~~ department pursuant
18 to subsection 1 may adopt standards by reference to another
19 publication without providing a copy of the publication to the
20 administrative code editor if the publication containing the
21 standards is readily accessible on the internet at no cost and
22 the internet site at which the publication may be found is
23 included in the administrative rules that adopt the standard.

24 11. Renewal periods for all licenses and certificates of the
25 licensing boards included within the ~~bureau~~ department pursuant
26 to subsection 1 may be annual or multiyear, as provided by
27 rule.

28 12. A quorum of a licensing board included within the
29 ~~bureau~~ department pursuant to subsection 1 shall be a majority
30 of the members of the board and action may be taken upon a
31 majority vote of board members present at a meeting who are not
32 disqualified.

33 Sec. 1705. Section 710A.7, Code 2023, is amended to read as
34 follows:

35 **710A.7 Peace officer referral.**

1 If during the course of an investigation or prosecution
2 under this chapter a peace officer has reason to believe that
3 a person who purports to be licensed pursuant to chapter 152C
4 or 157 does not possess a valid license or is in violation of
5 any other state or federal laws, the peace officer may report
6 such noncompliance to the appropriate licensing board under
7 the ~~professional licensure division within the~~ department of
8 public health inspections, appeals, and licensing, and to the
9 appropriate state or federal authorities.

10 Sec. 1706. Section 727.2, subsection 2, paragraph b,
11 subparagraph (2), Code 2023, is amended to read as follows:

12 (2) A person who uses or explodes display fireworks while
13 the use of such devices is suspended by an order of the ~~state~~
14 fire marshal director of the department of inspections,
15 appeals, and licensing pursuant to section 10A.511, subsection
16 6, commits a simple misdemeanor, punishable by a fine of not
17 less than two hundred fifty dollars.

18 Sec. 1707. Section 727.2, subsection 3, paragraph c,
19 subparagraph (2), Code 2023, is amended to read as follows:

20 (2) A person who uses or explodes consumer fireworks or
21 novelties while the use of such devices is suspended by an
22 order of the ~~state fire marshal~~ director of the department
23 of inspections, appeals, and licensing pursuant to section
24 10A.511, subsection 6, commits a simple misdemeanor, punishable
25 by a fine of not less than two hundred fifty dollars.

26 Sec. 1708. Section 904.318, subsection 2, Code 2023, is
27 amended to read as follows:

28 2. The ~~state fire marshal~~ director of the department
29 of inspections, appeals, and licensing or the director's
30 designee shall cause an annual inspection to be made of all the
31 institutions listed in section 904.102 and shall make a written
32 report of the inspection to the director.

33 Sec. 1709. REPEAL. Sections 100D.8 and 100D.9, Code 2023,
34 are repealed.

35 Sec. 1710. 2015 Iowa Acts, chapter 138, section 97, is

1 amended to read as follows:

2 SEC. 97. RESIDENTIAL SWIMMING POOLS — PRIVATE SWIMMING
3 LESSONS. Notwithstanding any provision of law to the contrary,
4 the department of ~~public health~~ inspections, appeals, and
5 licensing shall require that a residential swimming pool used
6 for private swimming lessons for up to two hundred seven hours
7 in a calendar month, or the number of hours prescribed by local
8 ordinance applicable to such use of a residential swimming
9 pool, whichever is greater, be regulated as a residential
10 swimming pool used for commercial purposes pursuant to chapter
11 135I. The department of public health may adopt rules to
12 implement this section.

13 Sec. 1711. CODE EDITOR DIRECTIVE.

14 1. The Code editor is directed to make the following
15 transfers:

- 16 a. Section 100.11 to section 10A.513.
- 17 b. Section 100.12 to section 10A.514.
- 18 c. Section 100.13 to section 10A.515.
- 19 d. Section 100.14 to section 10A.516.
- 20 e. Section 100.16 to section 10A.517.
- 21 f. Section 100.18 to section 10A.518.
- 22 g. Section 100.19 to section 10A.519.
- 23 h. Section 100.19A to section 10A.520.
- 24 i. Section 100.26 to section 10A.521.
- 25 j. Section 100.31 to section 10A.522.
- 26 k. Section 100.35 to section 10A.523.
- 27 l. Section 100.38 to section 10A.525.
- 28 m. Section 100.39 to section 10A.524.
- 29 n. Section 135.11A to section 10A.503.
- 30 o. Section 135.11B to section 10A.504.
- 31 p. Section 135.31 to section 10A.505.
- 32 q. Section 135.37 to section 10A.531.
- 33 r. Section 135.37A to section 10A.532.
- 34 s. Section 135.105A to section 10A.902.
- 35 t. Section 135.105C to section 10A.903.

- 1 u. Section 546.10 to section 10A.506.
- 2 2. The Code editor is directed to rename article V of
3 chapter 10A as subchapter V and designate parts as follows:
- 4 a. Subchapter V shall be entitled "Licensing and
5 Regulation" and include sections 10A.501 through 10A.534.
- 6 b. Subchapter V, part 1, shall be entitled "General
7 Provisions" and include sections 10A.501 through 10A.510.
- 8 c. Subchapter V, part 2, shall be entitled "Fire Control"
9 and include sections 10A.511 through 10A.530.
- 10 d. Subchapter V, part 3, shall be entitled "Tattooing and
11 Hair Braiding" and include sections 10A.531 through 10A.534.
- 12 3. The Code editor is directed to create new subchapter
13 IX within chapter 10A which shall be entitled "Lead Abatement
14 Program" and include sections 10A.902 and 10A.903.
- 15 4. The Code editor may modify subchapter and part titles if
16 necessary and is directed to correct internal references in the
17 Code as necessary due to enactment of this section.

18 ADMINISTRATIVE LAW JUDGES

- 19 Sec. 1712. Section 8A.415, subsection 1, paragraph b, Code
20 2023, is amended to read as follows:
- 21 b. If not satisfied, the employee may, within thirty
22 calendar days following the director's response, file an
23 appeal with the public employment relations board. The
24 hearing shall be conducted in accordance with the rules of the
25 public employment relations board and the Iowa administrative
26 procedure Act, chapter 17A. Decisions rendered shall be based
27 upon a standard of substantial compliance with this subchapter
28 and the rules of the department. Decisions by the public
29 employment relations board constitute final agency action.
- 30 ~~However, if the employee is an administrative law judge~~
31 ~~appointed or employed by the public employment relations board,~~
32 ~~the employee's appeal shall be heard by an administrative law~~
33 ~~judge employed by the administrative hearings division of the~~
34 ~~department of inspections and appeals in accordance with the~~
35 ~~provisions of section 10A.801, whose decision shall constitute~~

1 ~~final agency action.~~

2 Sec. 1713. Section 8A.415, subsection 2, paragraph b, Code
3 2023, is amended to read as follows:

4 b. If not satisfied, the employee may, within thirty
5 calendar days following the director's response, file an appeal
6 with the public employment relations board. The employee has
7 the right to a hearing closed to the public, unless a public
8 hearing is requested by the employee. The hearing shall
9 otherwise be conducted in accordance with the rules of the
10 public employment relations board and the Iowa administrative
11 procedure Act, chapter 17A. If the public employment relations
12 board finds that the action taken by the appointing authority
13 was for political, religious, racial, national origin, sex,
14 age, or other reasons not constituting just cause, the employee
15 may be reinstated without loss of pay or benefits for the
16 elapsed period, or the public employment relations board may
17 provide other appropriate remedies. Decisions by the public
18 employment relations board constitute final agency action.
19 ~~However, if the employee is an administrative law judge~~
20 ~~appointed or employed by the public employment relations board,~~
21 ~~the employee's appeal shall be heard by an administrative law~~
22 ~~judge employed by the administrative hearings division of the~~
23 ~~department of inspections and appeals in accordance with the~~
24 ~~provisions of section 10A.801, whose decision shall constitute~~
25 ~~final agency action.~~

26 Sec. 1714. Section 96.6, subsection 3, paragraph b, Code
27 2023, is amended to read as follows:

28 b. Appeals from the initial determination shall be heard by
29 an administrative law judge employed by the department division
30 of administrative hearings created by section 10A.801. An
31 administrative law judge's decision may be appealed by any
32 party to the employment appeal board created in section 10A.601
33 or directly to the district court.

34 Sec. 1715. Section 216.15, subsection 3, paragraph a, Code
35 2023, is amended to read as follows:

1 a. After the filing of a verified complaint, a true copy
2 shall be served within twenty days on the person against whom
3 the complaint is filed, except as provided in subsection 4.
4 An authorized member of the commission staff shall make a
5 prompt investigation and shall issue a recommendation to an
6 administrative law judge employed ~~either by the commission or~~
7 by the division of administrative hearings created by section
8 10A.801, who shall then issue a determination of probable cause
9 or no probable cause.

10 Sec. 1716. Section 256.7, subsection 6, Code 2023, is
11 amended to read as follows:

12 6. Hear appeals of persons aggrieved by decisions of boards
13 of directors of school corporations under chapter 290 and
14 other appeals prescribed by law. The state board may review
15 the record and shall review the decision of the director of
16 the department of education or the administrative law judge
17 employed by the division of administrative hearings created
18 by section 10A.801 and designated for any appeals heard and
19 decided by the director under chapter 290, and may affirm,
20 modify, or vacate the decision, or may direct a rehearing
21 before the director.

22 Sec. 1717. Section 256B.6, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. Notwithstanding section 17A.11, the state board
25 of education shall adopt rules for the appointment of an
26 impartial administrative law judge employed by the division
27 of administrative hearings created by section 10A.801 for
28 special education appeals. The rules shall comply with federal
29 statutes and regulations.

30 Sec. 1718. Section 272.14, Code 2023, is amended to read as
31 follows:

32 **272.14 Appointment of administrative law judges.**

33 The board shall maintain a list of qualified persons
34 employed by the division of administrative hearings created
35 by section 10A.801 and who are experienced in the educational

1 system of this state to serve as administrative law judges when
2 a hearing is requested under section 279.24. When requested
3 under section 279.24, the board shall submit a list of five
4 qualified administrative law judges from the list maintained
5 by the board to the parties. The parties shall select one of
6 the five qualified persons to conduct the hearing as provided
7 in section 279.24. The hearing shall be held pursuant to
8 the provisions of chapter 17A relating to contested cases.
9 The full costs of the hearing shall be shared equally by the
10 parties.

11 Sec. 1719. Section 279.24, subsection 5, paragraph c, Code
12 2023, is amended to read as follows:

13 c. Within five days after receipt of the written notice
14 that the school board has voted to consider termination of
15 the contract, the administrator may request a private hearing
16 in writing to the secretary of the school board. The board
17 shall then forward the notification to the board of educational
18 examiners along with a request that the board of educational
19 examiners submit a list of five qualified administrative law
20 judges who are employed by the division of administrative
21 hearings created by section 10A.801 to the parties. Within
22 three days from receipt of the list the parties shall select an
23 administrative law judge by alternately removing a name from
24 the list until only one name remains. The person whose name
25 remains shall be the administrative law judge. The parties
26 shall determine by lot which party shall remove the first name
27 from the list. The private hearing shall be held no sooner
28 than twenty days and not later than forty days following the
29 administrator's request unless the parties otherwise agree.
30 If the administrator does not request a private hearing,
31 the school board, not later than May 31, may determine the
32 continuance or discontinuance of the contract and, if the
33 board determines to continue the administrator's contract,
34 whether to suspend the administrator with or without pay for a
35 period specified by the board. School board action shall be by

1 majority roll call vote entered on the minutes of the meeting.
2 Notice of school board action shall be personally delivered or
3 mailed to the administrator.

4 CIVIL RIGHTS COMMISSION

5 Sec. 1720. Section 216.3, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. The Iowa state civil rights commission ~~shall consist~~
8 is created within the department of inspections, appeals, and
9 licensing consisting of seven members appointed by the governor
10 subject to confirmation by the senate. Appointments shall be
11 made to provide geographical area representation insofar as
12 practicable. No more than four members of the commission shall
13 belong to the same political party. Members appointed to the
14 commission shall serve for four-year staggered terms beginning
15 and ending as provided by section 69.19.

16 CONFORMING CHANGES

17 Sec. 1721. Section 8A.412, subsection 19, Code 2023, is
18 amended to read as follows:

19 19. The superintendent of the banking division of the
20 department of commerce, all members of the state banking
21 council, and all employees of the banking division ~~except for~~
22 ~~employees of the professional licensing and regulation bureau~~
23 ~~of the division.~~

24 Sec. 1722. Section 8A.457, Code 2023, is amended to read as
25 follows:

26 **8A.457 Workers' compensation claims.**

27 The director shall employ appropriate staff to handle and
28 adjust claims of state employees for workers' compensation
29 benefits pursuant to chapter 10A, subchapter III, and
30 chapters 85, 85A, and 85B, and 86, or, with the approval of
31 the executive council, contract for the services or purchase
32 workers' compensation insurance coverage for state employees or
33 selected groups of state employees. A state employee workers'
34 compensation fund is created in the state treasury under the
35 control of the department to pay state employee workers'

1 compensation claims and administrative costs. The department
2 shall establish a rating formula and assess premiums to all
3 agencies, departments, and divisions of the state including
4 those which have not received an appropriation for the payment
5 of workers' compensation insurance and which operate from
6 moneys other than from the general fund of the state. The
7 department shall collect the premiums and deposit them into the
8 state employee workers' compensation fund. Notwithstanding
9 section 8.33, moneys deposited in the state employee workers'
10 compensation fund shall not revert to the general fund of the
11 state at the end of any fiscal year, but shall remain in the
12 state employee workers' compensation fund and be continuously
13 available to pay state employee workers' compensation claims.
14 The director may, to the extent practicable, contract with
15 a private organization to handle the processing and payment
16 of claims and services rendered under the provisions of this
17 section.

18 Sec. 1723. Section 8A.504, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. In the case of multiple claims to payments filed
21 under this section, priority shall be given to claims filed
22 by ~~the child support recovery unit~~ services or the foster
23 care ~~recovery unit~~ services, next priority shall be given to
24 claims filed by the clerk of the district court, next priority
25 shall be given to claims filed by the college student aid
26 commission, next priority shall be given to claims filed by
27 the ~~investigations division of the department of inspections,~~
28 ~~and appeals,~~ and licensing relating to investigations by the
29 department, and last priority shall be given to claims filed by
30 other public agencies. In the case of multiple claims in which
31 the priority is not otherwise provided by this subsection,
32 priority shall be determined in accordance with rules to be
33 established by the director.

34 Sec. 1724. Section 8A.512, subsection 1, paragraph b,
35 subparagraph (1), Code 2023, is amended to read as follows:

1 (1) Claims by state employees for benefits pursuant to
2 chapter 10A, subchapter III, and chapters 85, 85A, and 85B, and
3 ~~86~~ are subject to limitations provided in those chapters.

4 Sec. 1725. Section 13B.1, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. "*Department*" means the department of inspections, and
7 appeals, and licensing.

8 Sec. 1726. Section 13B.2, Code 2023, is amended to read as
9 follows:

10 **13B.2 Position established.**

11 The position of state public defender is established within
12 the department of inspections, and appeals, and licensing. The
13 governor shall appoint the state public defender, who shall
14 serve at the pleasure of the governor, subject to confirmation
15 by the senate, no less frequently than once every four years,
16 whether or not there has been a new state public defender
17 appointed during that time, and shall establish the state
18 public defender's salary.

19 Sec. 1727. Section 13B.6, subsection 2, Code 2023, is
20 amended to read as follows:

21 2. The department of inspections, and appeals, and
22 licensing shall provide internal accounting and related fiscal
23 services for the state public defender.

24 Sec. 1728. Section 15.108, subsection 7, paragraph f, Code
25 2023, is amended to read as follows:

26 *f.* To the extent feasible, cooperate with the department of
27 workforce development and the division of workers' compensation
28 of the department of inspections, appeals, and licensing to
29 establish a program to educate existing employers and new or
30 potential employers on the rates and workings of the state
31 unemployment compensation program and the state workers'
32 compensation program.

33 Sec. 1729. Section 15E.208, subsection 4, paragraph b, Code
34 2023, is amended to read as follows:

35 *b.* An agricultural products processor, if the processor or

1 a person owning a controlling interest in the processor has
 2 demonstrated, within the most recent consecutive three-year
 3 period prior to the application for financing, a continuous and
 4 flagrant disregard for the health and safety of its employees
 5 or the quality of the environment. Violations of environmental
 6 protection statutes, rules, or regulations shall be reported
 7 for the most recent five-year period prior to application.
 8 Evidence of such disregard shall include a history of serious
 9 or uncorrected violations of state or federal law protecting
 10 occupational health and safety or the environment, including
 11 but not limited to serious or uncorrected violations of
 12 occupational safety and health standards enforced by the
 13 division of labor services of the department of ~~workforce~~
 14 ~~development~~ inspections, appeals, and licensing pursuant to
 15 chapter ~~84A~~ 10A, or rules enforced by the department of natural
 16 resources pursuant to chapter 455B or 459, subchapters II and
 17 III.

18 Sec. 1730. Section 17A.11, subsection 1, paragraph c, Code
 19 2023, is amended to read as follows:

20 c. For purposes of paragraph "a", the division of
 21 administrative hearings established in section 10A.801 shall
 22 be treated as a wholly separate agency from the department of
 23 inspections, and appeals, and licensing.

24 Sec. 1731. Section 35D.15, subsection 2, paragraph c,
 25 subparagraph (2), subparagraph divisions (c), (d), and (e),
 26 Code 2023, are amended to read as follows:

27 (c) If the member is not satisfied with the decision of the
 28 commission, the member may appeal the commission's decision
 29 by filing an appeal with the department of inspections, and
 30 appeals, and licensing within five calendar days of being
 31 notified in writing of the commission's decision.

32 (d) The department of inspections, and appeals, and
 33 licensing shall render a decision on the appeal of the
 34 commission's decision and notify the member of the decision,
 35 in writing, within fifteen calendar days of the filing of the

1 appeal with the department.

2 (e) The maximum time period that shall elapse between
3 receipt by the member of the discharge notice and actual
4 discharge shall not exceed fifty-five days, which includes the
5 thirty-day discharge notice period and any time during which
6 any appeals to the commission or the department of inspections,
7 and appeals, and licensing are pending.

8 Sec. 1732. Section 35D.15, subsection 2, paragraph c,
9 subparagraph (3), Code 2023, is amended to read as follows:

10 (3) If a member is not satisfied with the decision of the
11 department of inspections, and appeals, and licensing, the
12 member may seek judicial review in accordance with chapter 17A.
13 A member's discharge under this subsection shall be stayed
14 while judicial review is pending.

15 Sec. 1733. Section 35D.15, subsection 2, paragraph f, Code
16 2023, is amended to read as follows:

17 f. Any involuntary discharge by the commandant under
18 this subsection shall comply with the rules adopted by the
19 commission under this subsection and by the department of
20 inspections, and appeals, and licensing pursuant to section
21 135C.14, subsection 8, paragraph "f".

22 Sec. 1734. Section 53.8, subsection 3, paragraph a, Code
23 2023, is amended to read as follows:

24 a. When an application for an absentee ballot is received
25 by the commissioner of any county from a registered voter who
26 is a patient in a hospital in that county, a tenant of an
27 assisted living program in that county as shown by the list
28 of certifications provided the commissioner under section
29 231C.21, or a resident of any facility in that county shown to
30 be a health care facility by the list of licenses provided the
31 commissioner under section 135C.29, the absentee ballot shall
32 be delivered to the voter and returned to the commissioner in
33 the manner prescribed by section 53.22. For purposes of this
34 paragraph, "*assisted living program*" means a program certified
35 pursuant to section 231C.3 that meets the standards for a

1 dementia-specific assisted living program, as established
2 by rule by the department of inspections, and appeals, and
3 licensing.

4 Sec. 1735. Section 53.22, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. For purposes of this section, "*assisted living program*"
7 means a program certified pursuant to section 231C.3 that meets
8 the standards for a dementia-specific assisted living program,
9 as established by rule by the department of inspections, and
10 appeals, and licensing.

11 Sec. 1736. Section 68B.2, subsection 23, Code 2023, is
12 amended to read as follows:

13 23. "*Regulatory agency*" means the department of agriculture
14 and land stewardship, department of workforce development,
15 department of commerce, Iowa department of public health,
16 department of public safety, department of education, state
17 board of regents, department of human services, department of
18 revenue, department of inspections, and appeals, and licensing,
19 department of administrative services, public employment
20 relations board, state department of transportation, civil
21 rights commission, department of public defense, department of
22 homeland security and emergency management, Iowa ethics and
23 campaign disclosure board, and department of natural resources.

24 Sec. 1737. Section 73.16, subsection 2, paragraph c,
25 subparagraph (1), Code 2023, is amended to read as follows:

26 (1) The director of each department and agency of state
27 government shall cooperate with the director of the department
28 of inspections, and appeals, and licensing, the director of
29 the economic development authority, and the director of the
30 department of management and do all acts necessary to carry out
31 the provisions of this subchapter.

32 Sec. 1738. Section 80.15, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. During the period of twelve months after appointment, a
35 peace officer of the department is subject to dismissal at the

1 will of the commissioner. After the twelve months' service,
 2 a peace officer of the department, who was appointed after
 3 having passed the examinations, is not subject to dismissal,
 4 suspension, disciplinary demotion, or other disciplinary action
 5 resulting in the loss of pay unless charges have been filed
 6 with the department of inspections, and appeals, and licensing
 7 and a hearing held by the employment appeal board created by
 8 section 10A.601, if requested by the peace officer, at which
 9 the peace officer has an opportunity to present a defense
 10 to the charges. The decision of the appeal board is final,
 11 subject to the right of judicial review in accordance with
 12 the terms of the Iowa administrative procedure Act, chapter
 13 17A. However, these procedures as to dismissal, suspension,
 14 demotion, or other discipline do not apply to a peace officer
 15 who is covered by a collective bargaining agreement which
 16 provides otherwise, and do not apply to the demotion of a
 17 division head to the rank which the division head held at the
 18 time of appointment as division head, if any. A division head
 19 who is demoted has the right to return to the rank which the
 20 division head held at the time of appointment as division head,
 21 if any.

22 Sec. 1739. Section 84A.5, subsection 6, Code 2023, is
 23 amended to read as follows:

24 6. The director of the department of workforce development
 25 shall form a coordinating committee composed of the director
 26 of the department of workforce development, ~~the labor~~
 27 ~~commissioner, the workers' compensation commissioner,~~ and
 28 other administrators. The committee shall monitor federal
 29 compliance issues relating to coordination of functions ~~among~~
 30 the divisions within the department.

31 Sec. 1740. Section 85.3, subsection 2, Code 2023, is amended
 32 to read as follows:

33 2. Any employer who is a nonresident of this state, for whom
 34 services are performed within this state by any employee, is
 35 deemed to be doing business in this state by virtue of having

1 such services performed and the employer and employee shall
 2 be subject to the jurisdiction of the workers' compensation
 3 commissioner and to all of the provisions of chapter 10A,
 4 subchapter III, this chapter, and chapters 85A, 85B, ~~86,~~ and
 5 87, as to any and all personal injuries sustained by the
 6 employee arising out of and in the course of such employment
 7 within this state. In addition, every corporation, individual,
 8 personal representative, partnership, or association that has
 9 the necessary minimum contact with this state shall be subject
 10 to the jurisdiction of the workers' compensation commissioner,
 11 and the workers' compensation commissioner shall hold such
 12 corporation, individual, personal representative, partnership,
 13 or association amenable to suit in this state in every case not
 14 contrary to the provisions of the Constitution of the United
 15 States.

16 Sec. 1741. Section 85.3, subsection 3, paragraph b, Code
 17 2023, is amended to read as follows:

18 b. In addition to those persons authorized to receive
 19 personal service as in civil actions as permitted by chapter
 20 17A and this chapter, such employer shall be deemed to have
 21 appointed the secretary of state of this state as its lawful
 22 attorney upon whom may be served or delivered any and all
 23 notices authorized or required by the provisions of chapter
 24 10A, subchapter III, this chapter, and chapters 85A, 85B, ~~86,~~
 25 87, and 17A, and to agree that any and all such services or
 26 deliveries of notice on the secretary of state shall be of the
 27 same legal force and validity as if personally served upon or
 28 delivered to such nonresident employer in this state.

29 Sec. 1742. Section 85.26, subsections 1 and 2, Code 2023,
 30 are amended to read as follows:

31 1. An original proceeding for benefits under chapter
 32 10A, subchapter III, this chapter, or chapter 85A, or 85B,
 33 ~~or 86,~~ shall not be maintained in any contested case unless
 34 the proceeding is commenced within two years from the date of
 35 the occurrence of the injury for which benefits are claimed

1 or, if weekly compensation benefits are paid under section
 2 86.13, within three years from the date of the last payment
 3 of weekly compensation benefits. For the purposes of this
 4 section, "*date of the occurrence of the injury*" means the date
 5 that the employee knew or should have known that the injury was
 6 work-related.

7 2. An award for payments or an agreement for settlement
 8 provided by section 86.13 for benefits under this chapter or
 9 chapter 85A or 85B, where the amount has not been commuted,
 10 may be reviewed upon commencement of reopening proceedings
 11 by the employer or the employee within three years from the
 12 date of the last payment of weekly benefits made under the
 13 award or agreement. If an award for payments or agreement for
 14 settlement as provided by section 86.13 for benefits under this
 15 chapter or chapter 85A or 85B has been made and the amount
 16 has not been commuted, or if a denial of liability is not
 17 filed with the workers' compensation commissioner and notice
 18 of the denial is not mailed to the employee, in the form and
 19 manner required by the commissioner, within six months of the
 20 commencement of weekly compensation benefits, the commissioner
 21 may at any time upon proper application make a determination
 22 and appropriate order concerning the entitlement of an employee
 23 to benefits provided for in section 85.27. The failure to
 24 file a denial of liability does not constitute an admission of
 25 liability under chapter 10A, subchapter III, this chapter, or
 26 chapter 85A, or 85B, ~~or 86.~~

27 Sec. 1743. Section 85.31, subsection 5, Code 2023, is
 28 amended to read as follows:

29 5. Except as otherwise provided by treaty, whenever, under
 30 the provisions of chapter 10A, subchapter III, this chapter,
 31 and ~~chapters 86 and~~ chapter 87, compensation is payable to a
 32 dependent who is an alien not residing in the United States at
 33 the time of the injury, the employer shall pay fifty percent of
 34 the compensation herein otherwise provided to such dependent,
 35 and the other fifty percent shall be paid into the second

1 injury fund in the custody of the treasurer of state. But if
2 the nonresident alien dependent is a citizen of a government
3 having a compensation law which excludes citizens of the United
4 States, either resident or nonresident, from partaking of the
5 benefits of such law in as favorable degree as herein extended
6 to the nonresident alien, then the compensation which would
7 otherwise be payable to the dependent shall be paid into the
8 second injury fund in the custody of the treasurer of state.

9 Sec. 1744. Section 85.34, subsections 4, 5, and 7, Code
10 2023, are amended to read as follows:

11 4. *Credits for excess payments.* If an employee is paid
12 weekly compensation benefits for temporary total disability
13 under section 85.33, subsection 1, for a healing period
14 under section 85.34, subsection 1, or for temporary partial
15 disability under section 85.33, subsection 2, in excess of that
16 required by chapter 10A, subchapter III, this chapter, and
17 chapters 85A, and 85B, ~~and 86~~, the excess paid by the employer
18 shall be credited against the liability of the employer for
19 any future weekly benefits due for an injury to that employee,
20 provided that the employer or the employer's representative has
21 acted in good faith in determining and notifying an employee
22 when the temporary total disability, healing period, or
23 temporary partial disability benefits are terminated.

24 5. *Recovery of employee overpayment.* If an employee is paid
25 any weekly benefits in excess of that required by chapter 10A,
26 subchapter III, this chapter, and chapters 85A, and 85B, ~~and~~
27 ~~86~~, the excess paid by the employer shall be credited against
28 the liability of the employer for any future weekly benefits
29 due pursuant to subsection 2, for any current or subsequent
30 injury to the same employee.

31 7. *Successive disabilities.* An employer is liable for
32 compensating only that portion of an employee's disability that
33 arises out of and in the course of the employee's employment
34 with the employer and that relates to the injury that serves
35 as the basis for the employee's claim for compensation under

1 chapter 10A, subchapter III, this chapter, or chapter 85A, or
 2 85B, ~~or 86~~. An employer is not liable for compensating an
 3 employee's preexisting disability that arose out of and in the
 4 course of employment from a prior injury with the employer,
 5 to the extent that the employee's preexisting disability has
 6 already been compensated under chapter 10A, subchapter III,
 7 this chapter, or chapter 85A, or 85B, ~~or 86~~. An employer is not
 8 liable for compensating an employee's preexisting disability
 9 that arose out of and in the course of employment with a
 10 different employer or from causes unrelated to employment.

11 Sec. 1745. Section 85.35, subsections 1 and 10, Code 2023,
 12 are amended to read as follows:

13 1. The parties to a contested case or persons who are
 14 involved in a dispute which could culminate in a contested case
 15 may enter into a settlement of any claim arising under chapter
 16 10A, subchapter III, this chapter, or chapter 85A, or 85B, ~~or~~
 17 86, providing for disposition of the claim. The settlement
 18 shall be in writing on forms prescribed by the workers'
 19 compensation commissioner and submitted to the workers'
 20 compensation commissioner for approval.

21 10. Approval of a settlement by the workers' compensation
 22 commissioner is binding on the parties and shall not be
 23 construed as an original proceeding. Notwithstanding any
 24 provisions of chapter 10A, subchapter III, this chapter,
 25 and chapters 85A, 85B, 86, and 87, an approved compromise
 26 settlement shall constitute a final bar to any further rights
 27 arising under chapter 10A, subchapter III, this chapter, and
 28 chapters 85A, 85B, 86, and 87 regarding the subject matter of
 29 the compromise and a payment made pursuant to a compromise
 30 settlement agreement shall not be construed as the payment of
 31 weekly compensation.

32 Sec. 1746. Section 85.55, subsection 2, unnumbered
 33 paragraph 1, Code 2023, is amended to read as follows:

34 For purposes of chapter 10A, subchapter III, this chapter,
 35 and ~~chapters 86 and~~ chapter 87, a franchisor shall not be

1 considered to be an employer of a franchisee or of an employee
2 of a franchisee unless any of the following conditions apply:

3 Sec. 1747. Section 85.59, subsection 7, Code 2023, is
4 amended to read as follows:

5 7. Responsibility for the filings required by ~~chapter~~
6 ~~86~~ chapter 10A, subchapter III, for injuries resulting in
7 permanent disability or death and as modified by this section
8 shall be made in the same manner as for other employees of the
9 institution.

10 Sec. 1748. Section 85.60, Code 2023, is amended to read as
11 follows:

12 **85.60 Injuries while in work-based learning opportunity,**
13 **employment training, or evaluation.**

14 A person participating in a work-based learning opportunity
15 referred to in section 85.61, or receiving earnings while
16 engaged in employment training or while undergoing an
17 employment evaluation under the direction of a rehabilitation
18 facility approved for purchase-of-service contracts or for
19 referrals by the department of human services or the department
20 of education, who sustains an injury arising out of and in the
21 course of the work-based learning opportunity participation,
22 employment training, or employment evaluation is entitled
23 to benefits as provided in chapter 10A, subchapter III,
24 this chapter, chapter 85A, and chapter 85B, ~~and chapter 86~~.
25 Notwithstanding the minimum benefit provisions of this chapter,
26 a person referred to in this section and entitled to benefits
27 under this chapter is entitled to receive a minimum weekly
28 benefit amount for a permanent partial disability under section
29 85.34, subsection 2, or for a permanent total disability under
30 section 85.34, subsection 3, equal to the weekly benefit amount
31 of a person whose gross weekly earnings are thirty-five percent
32 of the statewide average weekly wage computed pursuant to
33 section 96.3 and in effect at the time of the injury.

34 Sec. 1749. Section 85.61, unnumbered paragraph 1, Code
35 2023, is amended to read as follows:

1 In chapter 10A, subchapter III, this chapter, and chapters
2 ~~86 and chapter 87~~, unless the context otherwise requires, the
3 following definitions of terms shall prevail:

4 Sec. 1750. Section 85.61, subsection 12, paragraph b, Code
5 2023, is amended to read as follows:

6 *b.* The term "*worker*" or "*employee*" shall include the
7 singular and plural. Any reference to a worker or employee
8 who has been injured shall, when such worker or employee
9 is dead, include the worker's or employee's dependents as
10 defined in this chapter or the worker's or employee's legal
11 representatives; and where the worker or employee is a minor
12 or incompetent, it shall include the minor's or incompetent
13 person's guardian, next friend, or trustee. Notwithstanding
14 any law prohibiting the employment of minors, all minor
15 employees shall be entitled to the benefits of chapter 10A,
16 subchapter III, this chapter, and chapters 86 and chapter 87
17 regardless of the age of such minor employee.

18 Sec. 1751. Section 85.70, subsection 2, paragraph f, Code
19 2023, is amended to read as follows:

20 *f.* Beginning on or before December 1, 2018, the department
21 of workforce development, in cooperation with the department of
22 education, the workers' compensation division of the department
23 of inspections, appeals, and licensing, the insurance division
24 of the department of commerce, and all community colleges
25 that are participating in the new career vocational training
26 and education program, shall prepare an annual report for
27 submission to the general assembly that provides information
28 about the status of the program including but not limited to
29 the utilization of and participants in the program, program
30 completion rates, employment rates after completion of the
31 program and the types of employment obtained by the program
32 participants, and the effects of the program on workers'
33 compensation premium rates.

34 Sec. 1752. Section 85B.14, Code 2023, is amended to read as
35 follows:

1 **85B.14 Applicable chapters.**

2 ~~Chapters~~ Chapter 10A, subchapter III, and chapters 17A,
3 and 85, and ~~86~~, so far as applicable, and not inconsistent
4 with this chapter, apply in cases of compensable occupational
5 hearing loss.

6 Sec. 1753. Section 87.1, subsection 1, Code 2023, is amended
7 to read as follows:

8 1. Every employer subject to the provisions of chapter
9 10A, subchapter III, this chapter, and chapters 85, 85A, and
10 85B, and ~~86~~, unless relieved as hereinafter provided from the
11 requirements imposed under chapter 10A, subchapter III, this
12 chapter, and chapters 85, 85A, and 85B, and ~~86~~, shall insure
13 the employer's liability under chapter 10A, subchapter III,
14 this chapter, and chapters 85, 85A, and 85B, and ~~86~~ in some
15 corporation, association, or organization approved by the
16 commissioner of insurance.

17 Sec. 1754. Section 87.2, subsection 2, Code 2023, is amended
18 to read as follows:

19 2. An employer coming under the provisions of chapter 10A,
20 subchapter III, this chapter, and chapters 85, 85A, and 85B,
21 and ~~86~~ who fails to comply with this section, or to post and
22 keep the above notice in the manner and form required, shall be
23 guilty of a simple misdemeanor.

24 Sec. 1755. Section 87.6, Code 2023, is amended to read as
25 follows:

26 **87.6 Certificate of approval.**

27 When such scheme or plan is approved by the workers'
28 compensation commissioner, the commissioner shall issue a
29 certificate to that effect, whereupon it shall be legal for
30 such employer, or group of employers, to contract with any or
31 all of the workers of the employer or group of employers to
32 substitute such scheme or plan for the provisions relating to
33 compensation and insurance during a period of time fixed by
34 ~~said department~~ the insurance division of the department of
35 insurance and financial services.

1 Sec. 1756. Section 87.11, subsections 3 and 4, Code 2023,
2 are amended to read as follows:

3 3. *a.* If an employer becomes insolvent and a debtor under
4 11 U.S.C., on or after January 1, 1990, the commissioner of
5 insurance may request of the workers' compensation commissioner
6 that all future payments of workers' compensation weekly
7 benefits, medical expenses, or other payments pursuant to
8 chapter 10A, subchapter III, this chapter, or chapter 85, 85A,
9 or 85B, ~~or 86,~~ be commuted to a present lump sum. The workers'
10 compensation commissioner shall fix the lump sum of probable
11 future medical expenses and weekly compensation benefits, or
12 other benefits payable pursuant to chapter 10A, subchapter III,
13 this chapter, or chapter 85, 85A, or 85B, ~~or 86,~~ capitalized
14 at their present value upon the basis of interest at the rate
15 provided in section 535.3 for court judgments and decrees. The
16 commissioner of insurance shall be discharged from all further
17 liability for the commuted workers' compensation claim upon
18 payment of the present lump sum to either the claimant, or a
19 licensed insurer for purchase of an annuity or other periodic
20 payment plan for the benefit of the claimant.

21 *b.* The commissioner of insurance shall not be required to
22 pay more for all claims of an insolvent self-insured employer
23 than is available for payment of such claims from the security
24 given under this section.

25 4. Notwithstanding contrary provisions of section 85.45,
26 any future payment of medical expenses, weekly compensation
27 benefits, or other payments by the commissioner of insurance
28 from the security given under this section, pursuant to
29 chapter 10A, subchapter III, this chapter, or chapter 85, 85A,
30 or 85B, ~~or 86,~~ shall be deemed an undue expense, hardship,
31 or inconvenience upon the employer for purposes of a full
32 commutation pursuant to section 85.45, subsection 1, paragraph
33 "b".

34 Sec. 1757. Section 87.13, Code 2023, is amended to read as
35 follows:

1 **87.13 Interpretative clause.**

2 All provisions in chapter 10A, subchapter III, and chapters
3 85, 85A, 85B, ~~86~~, and this chapter relating to compensation
4 for injuries sustained arising out of and in the course of
5 employment in the operation of coal mines or production of
6 coal under any system of removing coal for sale are exclusive,
7 compulsory and obligatory upon the employer and employee in
8 such employment.

9 Sec. 1758. Section 87.14A, Code 2023, is amended to read as
10 follows:

11 **87.14A Insurance required.**

12 An employer subject to chapter 10A, subchapter III, this
13 chapter, and chapters 85, 85A, and 85B, ~~and 86~~ shall not
14 engage in business without first obtaining insurance covering
15 compensation benefits or obtaining relief from insurance as
16 provided in this chapter. A person who willfully and knowingly
17 violates this section is guilty of a class "D" felony.

18 Sec. 1759. Section 87.21, unnumbered paragraph 1, Code
19 2023, is amended to read as follows:

20 Any employer, except an employer with respect to an exempt
21 employee under section 85.1, who has failed to insure the
22 employer's liability in one of the ways provided in this
23 chapter, unless relieved from carrying such insurance as
24 provided in section 87.11, is liable to an employee for
25 a personal injury in the course of and arising out of the
26 employment, and the employee may enforce the liability by an
27 action at law for damages, or may collect compensation as
28 provided in chapter 10A, subchapter III, and chapters 85, 85A,
29 and 85B, ~~and 86~~. In actions by the employee for damages under
30 this section, the following rules apply:

31 Sec. 1760. Section 88.1, subsection 3, Code 2023, is amended
32 to read as follows:

33 3. Authorizing the labor commissioner to set mandatory
34 occupational safety and health standards applicable to
35 businesses, and by providing for an adjudicatory process

1 through the employment appeal board within the department
2 of inspections, and appeals, and licensing for carrying out
3 adjudicatory functions under this chapter.

4 Sec. 1761. Section 88.2, subsections 1 and 4, Code 2023, are
5 amended to read as follows:

6 1. The labor commissioner, appointed pursuant to section
7 91.2, and the division of labor services of the department
8 of ~~workforce development~~ inspections, appeals, and licensing
9 created in section ~~84A.1~~ 10A.106 shall administer this chapter.

10 4. Subject to the approval of the director of the
11 department of ~~workforce development~~ inspections, appeals, and
12 licensing, the labor commissioner may enter into contracts
13 with any state agency, with or without reimbursement, for
14 the purpose of obtaining the services, facilities, and
15 personnel of the agency, and with the consent of any state
16 agency or any political subdivision of the state, accept and
17 use the services, facilities, and personnel of the agency or
18 political subdivision, and employ experts and consultants or
19 organizations, in order to expeditiously, efficiently, and
20 economically effectuate the purposes of this chapter. The
21 agreements under this subsection are subject to approval of the
22 executive council if approval is required by law.

23 Sec. 1762. Section 88A.1, subsections 4 and 6, Code 2023,
24 are amended by striking the subsections.

25 Sec. 1763. Section 88A.1, Code 2023, is amended by adding
26 the following new subsections:

27 NEW SUBSECTION. 6A. "*Department*" means the department of
28 inspections, appeals, and licensing.

29 NEW SUBSECTION. 6B. "*Director*" means the director of the
30 department of inspections, appeals, and licensing.

31 Sec. 1764. Section 88A.2, Code 2023, is amended to read as
32 follows:

33 **88A.2 Permit required.**

34 1. No amusement device or ride, concession booth, or any
35 related electrical equipment shall be operated at a carnival

1 or fair in this state without a permit having been issued by
2 the ~~commissioner~~ director to an operator of such equipment. On
3 or before the first of May of each year, any person required
4 to obtain a permit by this chapter shall apply to the ~~division~~
5 department for a permit on a form furnished by the ~~commissioner~~
6 director which form shall contain such information as the
7 ~~commissioner~~ director may require. The ~~commissioner~~ director
8 may waive the requirement that an application for a permit
9 must be filed on or before the first of May of each year if
10 the applicant gives satisfactory proof to the ~~commissioner~~
11 director that the applicant could not reasonably comply with
12 the date requirement and if the applicant immediately applies
13 for a permit after the need for a permit is first determined.
14 For the purpose of determining if an amusement ride, amusement
15 device, concession booth, or any related electrical equipment
16 is in safe operating condition and will provide protection
17 to the public using such ride, device, booth, or related
18 electrical equipment, each amusement ride, amusement device,
19 concession booth, or related electrical equipment shall be
20 inspected by the ~~commissioner~~ director before it is initially
21 placed in operation in this state, and shall thereafter be
22 inspected at least once each year.

23 2. If, after inspection, an amusement device or ride,
24 concession booth, or related electrical equipment is found
25 to comply with the rules adopted under this chapter, the
26 ~~commissioner~~ director shall, upon payment of the permit fee
27 and the inspection fee, permit the operation of the amusement
28 device or ride or concession booth or to use any related
29 electrical equipment.

30 3. If, after inspection, additions or alterations
31 are contemplated which change a structure, mechanism,
32 classification, or capacity, the operator shall notify the
33 ~~commissioner~~ director of the operator's intentions in writing
34 and provide any plans or diagrams requested by the ~~commissioner~~
35 director.

1 Sec. 1765. Section 88A.3, Code 2023, is amended to read as
2 follows:

3 **88A.3 Rules.**

4 1. The ~~commissioner~~ director shall adopt rules pursuant to
5 chapter 17A for the safe installation, repair, maintenance,
6 use, operation, and inspection of amusement devices, amusement
7 rides, concession booths, and related electrical equipment at
8 carnivals and fairs to the extent necessary for the protection
9 of the public. The rules shall be based on generally accepted
10 engineering standards and shall be concerned with, but not
11 necessarily limited to, engineering force stresses, safety
12 devices, and preventive maintenance. If standards are
13 available in suitable form, the standards may be incorporated
14 by reference. The rules shall provide for the reporting of
15 accidents and injuries incurred from the operation of amusement
16 devices or rides, concession booths, or related electrical
17 equipment.

18 2. The ~~commissioner~~ director may modify or repeal any rule
19 adopted under the provisions of this chapter.

20 Sec. 1766. Section 88A.5, Code 2023, is amended to read as
21 follows:

22 **88A.5 Fees to general fund.**

23 All fees collected by the ~~division~~ department under
24 the provisions of this chapter shall be transmitted to the
25 treasurer of state and credited by the treasurer to the general
26 fund of the state.

27 Sec. 1767. Section 88A.6, Code 2023, is amended to read as
28 follows:

29 **88A.6 Personnel.**

30 The ~~commissioner~~ director may employ inspectors and any
31 other personnel deemed necessary to carry out the provisions
32 of this chapter, subject to the provisions of chapter 8A,
33 subchapter IV.

34 Sec. 1768. Section 88A.7, Code 2023, is amended to read as
35 follows:

1 **88A.7 Cessation order.**

2 The ~~commissioner~~ director may order, in writing, a temporary
3 cessation of operation of any amusement device or ride,
4 concession booth, or related electrical equipment if it has
5 been determined after inspection to be hazardous or unsafe.
6 Operation of the amusement device or ride, concession booth or
7 related electrical equipment shall not resume until the unsafe
8 or hazardous condition is corrected to the satisfaction of the
9 ~~commissioner~~ director.

10 Sec. 1769. Section 88A.8, Code 2023, is amended to read as
11 follows:

12 **88A.8 Judicial review.**

13 Judicial review of action of the ~~commissioner~~ director
14 may be sought in accordance with the terms of the Iowa
15 administrative procedure Act, chapter 17A.

16 Sec. 1770. Section 88A.10, subsections 1 and 2, Code 2023,
17 are amended to read as follows:

18 1. Any person who operates an amusement device or ride,
19 concession booth or related electrical equipment at a carnival
20 or fair without having obtained a permit from the ~~commissioner~~
21 director or who violates any order or rule issued by the
22 ~~commissioner~~ director under this chapter is guilty of a serious
23 misdemeanor.

24 2. A person who interferes with, impedes, or obstructs in
25 any manner the ~~commissioner~~ director in the performance of the
26 ~~commissioner's~~ director's duties under this chapter is guilty
27 of a simple misdemeanor. A person who bribes or attempts to
28 bribe the ~~commissioner~~ director is subject to section 722.1.

29 Sec. 1771. Section 88A.11, subsections 3 and 4, Code 2023,
30 are amended to read as follows:

31 3. The ~~commissioner~~ director may exempt amusement devices
32 from the provisions of this chapter that have self-contained
33 wiring installed by the manufacturer, that are operated
34 manually by the use of hands or feet, that operate on less than
35 one hundred twenty volts of electrical power, and that are

1 fixtures or appliances within or part of a structure subject to
2 the building code of this state or any political subdivision
3 of this state.

4 4. The ~~commissioner~~ director may exempt playground
5 equipment owned, maintained, and operated by any political
6 subdivision of this state.

7 Sec. 1772. Section 88A.13, Code 2023, is amended to read as
8 follows:

9 **88A.13 Waiver of inspection.**

10 The ~~commissioner~~ director may waive the requirement that
11 an amusement device or ride or any part thereof be inspected
12 before being operated in this state if an operator gives
13 satisfactory proof to the ~~commissioner~~ director that the
14 amusement device or ride or any part thereof has passed an
15 inspection conducted by a public or private agency whose
16 inspection standards and requirements are at least equal
17 to those requirements and standards established by the
18 ~~commissioner~~ director under the provisions of this chapter.
19 The annual permit and inspection fees shall be paid before the
20 ~~commissioner~~ director may waive this requirement.

21 Sec. 1773. Section 88A.14, Code 2023, is amended to read as
22 follows:

23 **88A.14 Injunction.**

24 In addition to any and all other remedies, if an owner,
25 operator, or person in charge of any amusement device or ride,
26 concession booth, or related electrical equipment covered by
27 this chapter, continues to operate any amusement device or
28 ride, concession booth, or related electrical equipment covered
29 by this chapter, after receiving a notice of defect as provided
30 by this chapter, without first correcting the defects or making
31 replacements, the ~~commissioner~~ director may petition the
32 district court in equity, in an action brought in the name of
33 the state, for a writ of injunction to restrain the use of the
34 alleged defective amusement device or ride, concession booth,
35 or related electrical equipment.

1 Sec. 1774. Section 88B.1, subsections 3 and 4, Code 2023,
2 are amended by striking the subsections and inserting in lieu
3 thereof the following:

4 3. "*Department*" means the department of inspections,
5 appeals, and licensing.

6 4. "*Director*" means the director of the department of
7 inspections, appeals, and licensing.

8 Sec. 1775. Section 88B.1, subsections 5 and 6, Code 2023,
9 are amended to read as follows:

10 5. "*License*" means an authorization issued by the ~~division~~
11 department permitting an individual person, including a
12 supervisor or contractor, to work on an asbestos project, to
13 inspect buildings for asbestos-containing building materials,
14 to develop management plans, and to act as an asbestos project
15 designer.

16 6. "*Permit*" means an authorization issued by the ~~division~~
17 department permitting a business entity to remove or
18 encapsulate asbestos.

19 Sec. 1776. Section 88B.3, Code 2023, is amended to read as
20 follows:

21 **88B.3 Administration — rules — fees — inspections.**

22 1. The ~~commissioner~~ director shall administer this chapter.

23 2. The ~~commissioner~~ director shall adopt, in accordance
24 with chapter 17A, rules necessary to carry out the provisions
25 of this chapter.

26 3. The ~~commissioner~~ director shall prescribe fees for
27 the issuance and renewal of licenses and permits. The fees
28 shall be based on the costs of licensing, permitting, and
29 administering this chapter, including time spent by personnel
30 of the ~~division~~ department in performing duties and any travel
31 expenses incurred. All fees provided for in this chapter shall
32 be collected by the ~~commissioner~~ director and remitted to the
33 treasurer of state for deposit in the general fund of the
34 state.

35 4. At least once a year, during an actual asbestos project,

1 the ~~division~~ department shall conduct an on-site inspection
2 of each permittee's procedures for removing and encapsulating
3 asbestos.

4 Sec. 1777. Section 88B.3A, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. To qualify for a permit, a business entity shall submit
7 an application to the ~~division~~ department in the form required
8 by the ~~division~~ department and pay the prescribed fee.

9 Sec. 1778. Section 88B.4, Code 2023, is amended to read as
10 follows:

11 **88B.4 Permit — term, renewal, and records required.**

12 1. A permit expires on the first anniversary of its
13 effective date, unless it is renewed for a one-year term as
14 provided in this section.

15 2. At least one month before the permit expires, the
16 ~~division~~ department shall send to the permittee, at the last
17 known address of the permittee, a renewal notice that states
18 all of the following:

19 a. The date on which the current permit expires.

20 b. The date by which the renewal application must be
21 received by the ~~division~~ department for the renewal to be
22 issued and mailed before the permit expires.

23 c. The amount of the renewal fee.

24 3. Before the permit expires, the permittee may renew it for
25 an additional one-year term, if the business entity meets the
26 following conditions:

27 a. Is otherwise entitled to a permit.

28 b. Submits a renewal application to the ~~division~~ department
29 in the form required by the ~~division~~ department.

30 c. Pays the renewal fee prescribed by the ~~division~~
31 department.

32 4. The permittee shall keep a record of each asbestos
33 project it performs and shall make the record available to the
34 ~~division~~ department at any reasonable time. Records shall
35 contain information and be kept for a time prescribed in rules

1 adopted by the ~~division~~ department.

2 Sec. 1779. Section 88B.5, Code 2023, is amended to read as
3 follows:

4 **88B.5 Waivers and alternative procedures.**

5 1. In an emergency that results from a sudden, unexpected
6 event that is not a planned renovation or demolition, the
7 ~~commissioner~~ director may waive the requirement for a permit.

8 2. If the business entity is not primarily engaged in the
9 removal or encapsulation of asbestos, the ~~commissioner~~ director
10 may waive the requirement for a permit if worker protection
11 requirements are met.

12 3. The ~~division~~ department shall not approve any waivers
13 on work conducted at a school, public, or commercial building
14 unless the request is accompanied by a recommendation from an
15 asbestos project designer.

16 Sec. 1780. Section 88B.6, subsection 1, paragraphs a and b,
17 Code 2023, are amended to read as follows:

18 a. To apply for a license, an individual shall submit an
19 application to the ~~division~~ department in the form required by
20 the ~~division~~ department and shall pay the prescribed fee.

21 b. The application shall include information prescribed by
22 rules adopted by the ~~commissioner~~ director.

23 Sec. 1781. Section 88B.6, subsection 2, paragraph a,
24 unnumbered paragraph 1, Code 2023, is amended to read as
25 follows:

26 An individual is not eligible to be or do any of the
27 following unless the person obtains a license from the ~~division~~
28 department:

29 Sec. 1782. Section 88B.6, subsection 2, paragraph b, Code
30 2023, is amended to read as follows:

31 b. To qualify for a license, the applicant must have
32 successfully completed training as established by the United
33 States environmental protection agency, paid a fee, and met
34 other requirements as specified by the ~~division~~ department by
35 rule.

1 Sec. 1783. Section 88B.8, unnumbered paragraph 1, Code
2 2023, is amended to read as follows:

3 The ~~division~~ department may deny, suspend, or revoke a
4 permit or license, in accordance with chapter 17A, if the
5 permittee or licensee does any of the following:

6 Sec. 1784. Section 88B.8, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. Fails at any time to meet the qualifications for a permit
9 or license or to comply with a rule adopted by the ~~commissioner~~
10 director under this chapter.

11 Sec. 1785. Section 88B.11, Code 2023, is amended to read as
12 follows:

13 **88B.11 Bids for governmental projects.**

14 A state agency or political subdivision shall not accept a
15 bid in connection with any asbestos project from a business
16 entity that does not hold a permit from the ~~division~~ department
17 at the time the bid is submitted, unless the business entity
18 provides the state agency or political subdivision with written
19 proof that ensures that the business entity has contracted
20 to have the asbestos removal or encapsulation performed by a
21 licensed asbestos contractor.

22 Sec. 1786. Section 89.1, subsection 1, Code 2023, is amended
23 to read as follows:

24 1. The ~~labor commissioner~~ director shall enforce the
25 provisions of this chapter and may employ qualified personnel
26 under the provisions of chapter 8A, subchapter IV, to
27 administer the provisions of this chapter.

28 Sec. 1787. Section 89.2, subsection 4, Code 2023, is amended
29 by striking the subsection and inserting in lieu thereof the
30 following:

31 4. "*Department*" means the department of inspections,
32 appeals, and licensing.

33 Sec. 1788. Section 89.2, Code 2023, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 4A. "*Director*" means the director of the

1 department of inspections, appeals, and licensing.

2 Sec. 1789. Section 89.2, subsection 9, Code 2023, is amended
3 to read as follows:

4 9. "*Special inspector*" means an inspector who holds a
5 commission from the ~~commissioner~~ director and who is not a
6 state employee.

7 Sec. 1790. Section 89.3, Code 2023, is amended to read as
8 follows:

9 **89.3 Inspection made.**

10 1. It shall be the duty of the ~~commissioner~~ director to
11 inspect or cause to be inspected internally and externally, at
12 least once every twelve months, except as otherwise provided
13 in this section, in order to determine whether all such
14 equipment is in a safe and satisfactory condition, and properly
15 constructed and maintained for the purpose for which it is
16 used, all boilers and unfired steam pressure vessels operating
17 in excess of fifteen pounds per square inch, all low pressure
18 heating boilers and unfired steam pressure vessels located in
19 places of public assembly and other appurtenances used in this
20 state for generating or transmitting steam for power, or for
21 using steam under pressure for heating or steaming purposes.

22 2. The ~~commissioner~~ director may enter any building or
23 structure, public or private, for the purpose of inspecting any
24 equipment covered by this chapter or gathering information with
25 reference thereto.

26 3. The commissioner may inspect boilers and tanks
27 and other equipment stamped with the American society of
28 mechanical engineers code symbol for other than steam pressure,
29 manufactured in Iowa, when requested by the manufacturer.

30 4. a. An object that meets all of the following criteria
31 shall be inspected at least once every two years internally
32 and externally while not under pressure, and at least once
33 every two years externally while under pressure, unless the
34 ~~commissioner~~ director determines that an earlier inspection is
35 warranted:

1 (1) The object is a boiler with one hundred thousand pounds
2 per hour or more capacity, or the object is an unfired steam
3 pressure vessel or a regulated appurtenance that is part of the
4 same system as a boiler with one hundred thousand pounds per
5 hour or more capacity.

6 (2) The object contains only water subject to internal
7 continuous water treatment under the direct supervision of
8 a graduate engineer or chemist, or one having equivalent
9 experience in the treatment of boiler water.

10 (3) The water treatment is for the purpose of controlling
11 and limiting serious corrosion and other deteriorating factors.

12 b. The owner or user of an object meeting the criteria in
13 paragraph "a" shall do the following:

14 (1) At any time the ~~commissioner~~ director, a special
15 inspector, or the supervisor of water treatment deems a
16 hydrostatic test is necessary to determine the safety of
17 an object, conduct the test under the supervision of the
18 ~~commissioner~~ director.

19 (2) Keep available for examination by the ~~commissioner~~
20 director accurate records showing the date and actual time the
21 object is out of service and the reason it is out of service.

22 (3) Keep available for examination by the ~~commissioner~~
23 director chemical physical laboratory analyses of samples of
24 the object water taken at regular intervals of not more than
25 forty-eight hours of operation as will adequately show the
26 condition of the water and any elements or characteristics of
27 the water which are capable of producing corrosion or other
28 deterioration of the object or its parts.

29 5. a. An object that meets all of the following criteria
30 shall be inspected at least once each year externally while
31 under pressure and at least once every four years internally
32 while not under pressure, unless the ~~commissioner~~ director
33 determines an earlier inspection is warranted:

34 (1) The object is a boiler with one hundred thousand pounds
35 per hour or more capacity, or the object is an unfired steam

1 pressure vessel or a regulated appurtenance that is part of the
2 same system as a boiler with one hundred thousand pounds per
3 hour or more capacity.

4 (2) The object contains only water subject to internal
5 continuous water treatment under the direct supervision of
6 a graduate engineer or chemist, or one having equivalent
7 experience in the treatment of boiler water.

8 (3) The water treatment is for the purpose of controlling
9 and limiting serious corrosion and other deteriorating factors.

10 (4) Either of the following:

11 (a) The owner or user is a participant in good standing in
12 the Iowa occupational safety and health voluntary protection
13 program and has achieved star status within the program, which
14 is administered by the division of labor services in the
15 department of ~~workforce development~~ inspections, appeals, and
16 licensing.

17 (b) The object is an unfired steam pressure vessel and is
18 part of or integral to the continuous operation of a process
19 covered by and compliant with the occupational safety and
20 health administration process safety management standard
21 contained in 29 C.F.R. §1910.119 and the owner demonstrates
22 such compliance to a special inspector or the ~~commissioner~~
23 director. The unfired steam pressure vessel must also be
24 included as process safety management process equipment in the
25 owner of the unfired steam pressure vessel's process safety
26 management program.

27 b. The owner or user of an object that meets the criteria in
28 paragraph "a" shall do the following:

29 (1) At any time the ~~commissioner~~ director, a special
30 inspector, or the supervisor of the water treatment deems
31 a hydrostatic test necessary to determine the safety of
32 an object, conduct the test under the supervision of the
33 ~~commissioner~~ director.

34 (2) Keep available for examination by the ~~commissioner~~
35 director accurate records showing the date and actual time the

1 object is out of service and the reason it is out of service.

2 (3) Arrange for an internal inspection of the object during
3 each planned outage by a special inspector or the ~~commissioner~~
4 director.

5 (4) Keep for examination by the ~~commissioner~~ director
6 accurate records showing the chemical physical laboratory
7 analyses of samples of the object's water taken at regular
8 intervals of not more than forty-eight hours of operation
9 adequate to show the condition of the water and any elements
10 or characteristics of the water that are capable of producing
11 corrosion or other deterioration of the object or its parts.

12 6. Internal inspections of cast aluminum steam, cast
13 aluminum hot water heating, sectional cast iron steam, and
14 cast iron hot water heating boilers shall be conducted only
15 as deemed necessary by the ~~commissioner~~ director. External
16 operating inspections shall be conducted annually.

17 7. Internal inspections of steel hot water boilers shall be
18 conducted once every six years. External operating inspections
19 shall be conducted annually in years other than the year in
20 which internal inspections are conducted.

21 8. Inspections of unfired steam pressure vessels operating
22 in excess of fifteen pounds per square inch and low pressure
23 steam boilers shall be conducted at least once each calendar
24 year. The inspections conducted within each two-year period
25 shall include an external inspection conducted while the boiler
26 is operating and an internal inspection, where construction
27 permits. No more than one inspection shall be conducted per
28 six-month period. An internal inspection of an unfired steam
29 pressure vessel or low pressure steam boiler may be required
30 at any time by the ~~commissioner~~ director upon the observation
31 by an inspector of conditions, enumerated by the ~~commissioner~~
32 director through rules, warranting an internal inspection.
33 If a low pressure steam boiler is in dry lay-up, an internal
34 inspection shall be conducted in lieu of an external
35 inspection. For purposes of this subsection, "dry lay-up"

1 means a process whereby a boiler is taken out of service for a
2 period of six months or longer, drained, dried, and cleaned,
3 and measures to prevent corrosion are performed on the boiler.

4 9. An internal inspection shall not be required on an
5 unfired steam pressure vessel that was manufactured without an
6 inspection opening.

7 10. An exhibition boiler does not require an annual
8 inspection certificate but special inspections may be requested
9 by the owner or an event's management to be performed by the
10 ~~commissioner~~ director. Upon the completion of an exhibition
11 boiler inspection a written condition report shall be prepared
12 by the ~~commissioner~~ director regarding the condition of
13 the exhibition boiler's boiler or pressure vessel. This
14 report will be issued to the owner and the management of all
15 events at which the exhibition boiler is to be operated. The
16 event's management is responsible for the decision on whether
17 the exhibition boiler should be operated and shall inform
18 the ~~division of labor services~~ department of the event's
19 management's decision. The event's management is responsible
20 for any injuries which result from the operation of any
21 exhibition boiler approved for use at the event by the event's
22 management. A repair symbol, known as the "R" stamp, is not
23 required for repairs made to exhibition boilers pursuant to the
24 rules regarding inspections and repair of exhibition boilers as
25 adopted by the ~~commissioner~~ director, pursuant to chapter 17A.

26 11. An inspection report created pursuant to this chapter
27 that requires modification, alteration, or change shall be in
28 writing and shall cite the state law or rule or the ASME code
29 section allegedly violated.

30 Sec. 1791. Section 89.4, subsection 2, unnumbered paragraph
31 1, Code 2023, is amended to read as follows:

32 Unfired steam pressure vessels not exceeding the following
33 limitations are not required to be reported to the ~~commissioner~~
34 director and shall be exempt from regular inspection under
35 provisions of this chapter:

1 Sec. 1792. Section 89.5, subsections 1 and 2, Code 2023, are
2 amended to read as follows:

3 1. The ~~commissioner~~ director shall investigate and record
4 the cause of any boiler explosion that may occur in the state,
5 the loss of life, injuries sustained, and estimated loss of
6 property, if any; and such other data as may be of benefit in
7 preventing a recurrence of similar explosions.

8 2. The ~~commissioner~~ director shall keep a complete and
9 accurate record of the name of the owner or user of each steam
10 boiler or other equipment subject to this chapter, giving
11 a full description of the equipment, including the type,
12 dimensions, age, condition, the amount of pressure allowed, and
13 the date when last inspected.

14 Sec. 1793. Section 89.6, Code 2023, is amended to read as
15 follows:

16 **89.6 Notice to ~~commissioner~~ director.**

17 1. Before any equipment included under the provisions
18 of this chapter is installed by any owner, user, or lessee
19 thereof, a ten days' written notice of intention to install the
20 equipment shall be given to the ~~commissioner~~ director. The
21 notice shall designate the proposed place of installation, the
22 type and capacity of the equipment, the use to be made thereof,
23 the name of the company which manufactured the equipment, and
24 whether the equipment is new or used.

25 2. Before any power boiler is converted to a low pressure
26 boiler, the owner or user shall give to the ~~commissioner~~
27 director ten days' written notice of intent to convert the
28 boiler. The notice shall designate the boiler location, the
29 uses of the building, and other information specified by rule
30 by the board.

31 Sec. 1794. Section 89.7, Code 2023, is amended to read as
32 follows:

33 **89.7 Special inspectors.**

34 1. The inspection required by this chapter shall not be
35 made by the ~~commissioner~~ director if an owner or user of

1 equipment specified by this chapter obtains an inspection by
2 a representative of a reputable insurance company and obtains
3 a policy of insurance upon the equipment from that insurance
4 company.

5 2. The representative conducting the inspection shall
6 be commissioned by the ~~commissioner~~ director as a special
7 inspector for the year during which the inspection occurs
8 and shall meet such other requirements as the ~~commissioner~~
9 director may by rule establish. The commission shall be valid
10 for one year and the special inspector shall pay a fee for the
11 issuance of the commission. The ~~commissioner~~ director shall
12 establish the amount of the fee by rule. The ~~commissioner~~
13 director shall establish rules for the issuance and revocation
14 of special inspector commissions. The rules are subject to the
15 requirements of chapter 17A.

16 3. The insurance company shall file a notice of insurance
17 coverage on forms approved by the ~~commissioner~~ director stating
18 that the equipment is insured and that inspection shall be made
19 in accordance with section 89.3.

20 4. The special inspector shall provide the user and the
21 ~~commissioner~~ director with an inspection report including the
22 nature and extent of all defects and violations, in a format
23 approved by the ~~labor commissioner~~ director.

24 5. The failure of a special inspector to inform the
25 ~~commissioner~~ director of violations shall not subject the
26 ~~commissioner~~ director to liability for any damages incurred.

27 Sec. 1795. Section 89.7A, Code 2023, is amended to read as
28 follows:

29 **89.7A Certificates.**

30 1. The ~~commissioner~~ director shall issue a certificate of
31 inspection valid for the period specified in section 89.3 after
32 the payment of a fee, the filing of an inspection report, and
33 the correction or other appropriate resolution of any defects
34 identified in the inspection report. The certificate shall be
35 posted at a place near the location of the equipment.

1 2. The owner or user of any equipment covered in this
2 chapter, or persons in charge of such equipment, shall not
3 allow or permit a greater pressure in any unit than is stated
4 in the certificate of inspection issued by the ~~commissioner~~
5 director.

6 3. The ~~commissioner~~ director shall indicate to the user
7 whether or not the equipment may be used without making repair
8 or replacement of defective parts, or whether or how the
9 equipment may be used in a limited capacity before repairs
10 or replacements are made, and the ~~commissioner~~ director may
11 permit the user a reasonable time to make such repairs or
12 replacements.

13 Sec. 1796. Section 89.8, Code 2023, is amended to read as
14 follows:

15 **89.8 Boiler and pressure vessel safety fund — fees**
16 **appropriated.**

17 A boiler and pressure vessel safety revolving fund is
18 created within the state treasury under the control of the
19 ~~commissioner~~ director and shall consist of moneys collected
20 by the ~~commissioner~~ director as fees. Moneys in the fund are
21 appropriated and shall be used by the ~~commissioner~~ director
22 to pay the actual costs and expenses necessary to operate the
23 board and administer the provisions of this chapter. All
24 salaries and expenses properly chargeable to the fund shall be
25 paid from the fund. Section 8.33 does not apply to any moneys
26 in the fund. Notwithstanding section 12C.7, subsection 2,
27 interest or earnings on moneys deposited in the fund shall be
28 credited to the fund.

29 Sec. 1797. Section 89.9, Code 2023, is amended to read as
30 follows:

31 **89.9 Disposal of fees.**

32 All fees provided for in this chapter shall be collected
33 by the ~~commissioner~~ director and remitted to the treasurer
34 of state, to be deposited in the boiler and pressure vessel
35 safety fund pursuant to section 89.8, together with an itemized

1 statement showing the source of collection.

2 Sec. 1798. Section 89.11, Code 2023, is amended to read as
3 follows:

4 **89.11 Injunction.**

5 1. In addition to all other remedies, if any owner, user,
6 or person in charge of any equipment covered by this chapter
7 continues to use any equipment covered by this chapter,
8 after receiving an inspection report identifying defects and
9 exhausting appeal rights as provided by this chapter without
10 first correcting the defects or making replacements, the
11 ~~commissioner~~ director may apply to the district court by
12 petition in equity, in an action brought in the name of the
13 state, for a writ of injunction to restrain the use of the
14 alleged defective equipment.

15 2. If the ~~commissioner~~ director believes that the continued
16 operation of equipment constitutes an imminent danger that
17 could seriously injure or cause death to any person, in
18 addition to all other remedies, the ~~commissioner~~ director
19 may apply to the district court in the county in which the
20 imminently dangerous condition exists for a temporary order to
21 enjoin the owner, user, or person in charge from operating the
22 equipment before the owner's, user's, or person's rights to
23 administrative appeals have been exhausted.

24 Sec. 1799. Section 89.12, Code 2023, is amended to read as
25 follows:

26 **89.12 Hearing — notice — decree.**

27 The ~~commissioner~~ director shall notify in writing the owner
28 or user of the equipment of the time and place of hearing of the
29 petition as fixed by the court or judge, and shall serve the
30 notice on the defendant at least five days prior to the hearing
31 in the same manner as original notices are served. The general
32 provisions relating to civil practice and procedure as may be
33 applicable, shall govern the proceedings, except as herein
34 modified. In the event the defendant does not appear or plead
35 to the action, default shall be entered against the defendant.

1 The action shall be tried in equity, and the court or judge
2 shall make such order or decree as the evidence warrants.

3 Sec. 1800. Section 89.13, Code 2023, is amended to read as
4 follows:

5 **89.13 Civil penalty allowed.**

6 If upon notice and hearing the ~~commissioner~~ director
7 determines that an owner has operated a facility in violation
8 of a safety order, the ~~commissioner~~ director may assess a civil
9 penalty against the owner in an amount not exceeding five
10 hundred dollars, as determined by the ~~commissioner~~ director.
11 An order assessing a civil penalty is subject to appeal to
12 the employment appeal board and to judicial review. The
13 ~~commissioner~~ director may commence an action in the district
14 court to enforce payment of a civil penalty. Revenue from
15 the penalty provided in this section shall be remitted to the
16 treasurer of state for deposit in the general fund of the
17 state.

18 Sec. 1801. Section 89.14, subsection 1, Code 2023, is
19 amended to read as follows:

20 1. A boiler and pressure vessel board is created within
21 the ~~division of labor services of the department of workforce~~
22 ~~development~~ to formulate definitions and rules requirements
23 for the safe and proper installation, repair, maintenance,
24 alteration, use, and operation of boilers and pressure vessels
25 in this state.

26 Sec. 1802. Section 89.14, subsection 2, paragraph a, Code
27 2023, is amended to read as follows:

28 a. The ~~commissioner~~ director or the ~~commissioner's~~
29 director's designee.

30 Sec. 1803. Section 89.14, subsections 4, 6, and 8, Code
31 2023, are amended to read as follows:

32 4. The members of the board shall select a chairperson, vice
33 chairperson, and secretary from their membership. However,
34 neither the ~~commissioner~~ director nor the ~~commissioner's~~
35 director's designee shall serve as chairperson. The board

1 shall meet at least quarterly but may meet as often as
 2 necessary. Meetings shall be set by a majority of the board
 3 or upon the call of the chairperson, or in the chairperson's
 4 absence, upon the call of the vice chairperson. A majority of
 5 the board members shall constitute a quorum.

6 6. A notice of defect or inspection report issued by the
 7 ~~commissioner~~ director pursuant to this chapter may, within
 8 thirty days after the making of the order, be appealed to
 9 the board. Board action constitutes final agency action for
 10 purposes of chapter 17A.

11 8. The board shall establish fees for examinations,
 12 inspections, annual statements, shop inspections, and other
 13 services. The fees shall reflect the actual costs and expenses
 14 necessary to operate the board and perform the duties of the
 15 ~~commissioner~~ director.

16 Sec. 1804. Section 89A.1, subsections 2 and 4, Code 2023,
 17 are amended by striking the subsections.

18 Sec. 1805. Section 89A.1, Code 2023, is amended by adding
 19 the following new subsections:

20 NEW SUBSECTION. 4A. "*Department*" means the department of
 21 inspections, appeals, and licensing.

22 NEW SUBSECTION. 4B. "*Director*" means the director of the
 23 department of inspections, appeals, and licensing.

24 Sec. 1806. Section 89A.1, subsections 11, 15, 16, and 19,
 25 Code 2023, are amended to read as follows:

26 11. "*Inspector*" means an inspector employed by the ~~division~~
 27 department for the purpose of administering this chapter.

28 15. "*New installation*" means a conveyance the construction
 29 or relocation of which is begun, or for which an application
 30 for a new installation permit is filed, on or after the
 31 effective date of rules relating to those permits adopted by
 32 the ~~commissioner~~ director under authority of this chapter. All
 33 other installations are existing installations.

34 16. "*Owner*" means the owner of a conveyance, unless the
 35 conveyance is a new installation or is undergoing major

1 alterations, in which case the owner shall be considered the
2 person responsible for the installation or alteration of the
3 conveyance until the conveyance has passed final inspection by
4 the ~~division~~ department.

5 19. "*Special inspector*" means an inspector commissioned
6 by the ~~labor commissioner~~ director, and not employed by the
7 ~~division~~ department.

8 Sec. 1807. Section 89A.3, subsections 6 and 8, Code 2023,
9 are amended to read as follows:

10 6. The ~~commissioner~~ director shall furnish copies of
11 the rules adopted pursuant to this chapter to any person who
12 requests them, without charge, or upon payment of a charge not
13 to exceed the actual cost of printing of the rules.

14 8. The ~~commissioner~~ director may adopt rules pursuant to
15 chapter 17A relating to the denial, issuance, revocation, and
16 suspension of special inspector commissions.

17 Sec. 1808. Section 89A.4, Code 2023, is amended to read as
18 follows:

19 **89A.4 ~~Commissioner's~~ Director's duties and personnel.**

20 The ~~commissioner~~ director shall enforce the provisions of
21 this chapter. The ~~commissioner~~ director shall employ personnel
22 for the administration of this chapter pursuant to chapter 8A,
23 subchapter IV.

24 Sec. 1809. Section 89A.5, Code 2023, is amended to read as
25 follows:

26 **89A.5 Registration of conveyances.**

27 The owner of every existing conveyance, whether or not
28 dormant, shall register the conveyance with the ~~commissioner~~
29 director, giving type, contract load and speed, name of
30 manufacturer, its location, and the purpose for which it is
31 used, and other information the ~~commissioner~~ director may
32 require. Registration shall be made in a format required by
33 the ~~division~~ department.

34 Sec. 1810. Section 89A.6, subsections 2, 4, and 5, Code
35 2023, are amended to read as follows:

1 2. Every existing conveyance registered with the
2 ~~commissioner~~ director shall be inspected within one year
3 after the effective date of the registration, except that the
4 safety board may extend by rule the time specified for making
5 inspections.

6 4. The inspections required by subsections 1 through 3
7 shall be made only by inspectors or special inspectors. An
8 inspection by a special inspector may be accepted by the
9 ~~commissioner~~ director in lieu of a required inspection by an
10 inspector.

11 5. A report of every inspection shall be filed with the
12 ~~commissioner~~ director by the inspector or special inspector,
13 in a format required by the ~~commissioner~~ director, after the
14 inspection has been completed and within the time provided
15 by rule, but not to exceed thirty days. The report shall
16 include all information required by the ~~commissioner~~ director
17 to determine whether the conveyance is in compliance with
18 applicable rules. For the inspection required by subsection
19 1, the report shall indicate whether the conveyance has
20 been installed in accordance with the detailed plans and
21 specifications approved by the ~~commissioner~~ director, and
22 meets the requirements of the applicable rules. The failure
23 of a special inspector to inform the ~~commissioner~~ director
24 of violations shall not subject the ~~commissioner~~ director to
25 liability for any damages incurred.

26 Sec. 1811. Section 89A.7, Code 2023, is amended to read as
27 follows:

28 **89A.7 Alteration permits.**

29 The owner shall submit to the ~~commissioner~~ director detailed
30 plans, specifications, and other information the ~~commissioner~~
31 director may require for each conveyance to be altered,
32 together with an application for an alteration permit, in
33 a format required by the ~~commissioner~~ director. Repairs
34 or replacements necessary for normal maintenance are not
35 alterations, and may be made on existing installations with

1 parts equivalent in material, strength, and design to those
2 replaced and no plans or specifications or application need be
3 filed for the repairs or replacements. However, this section
4 does not authorize the use of any conveyance contrary to an
5 order issued pursuant to section 89A.10, subsections 2 and 3.

6 Sec. 1812. Section 89A.8, Code 2023, is amended to read as
7 follows:

8 **89A.8 New installation permits.**

9 1. The installation or relocation of a conveyance shall
10 not begin until an installation permit has been issued by the
11 ~~commissioner~~ director.

12 2. An application for an installation permit shall be
13 submitted in a format determined by the ~~commissioner~~ director.

14 3. a. If the application or any accompanying materials
15 indicates a failure to comply with applicable rules, the
16 ~~commissioner~~ director shall give notice of the compliance
17 failures to the person filing the application.

18 b. If the application indicates compliance with applicable
19 rules or after compliance failures have been remedied, the
20 ~~commissioner~~ director shall issue an installation permit for
21 relocation or installation, as applicable.

22 Sec. 1813. Section 89A.9, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. Operating permits shall be issued by the ~~commissioner~~
25 director to the owner of every conveyance when the inspection
26 report indicates compliance with the applicable provisions
27 of this chapter. However, a permit shall not be issued
28 if the fees required by this chapter have not been paid.
29 Permits shall be issued within thirty days after filing of
30 the inspection report required by section 89A.6, unless the
31 time is extended for cause by the ~~division~~ department. A
32 conveyance shall not be operated after the thirty days or after
33 an extension granted by the ~~commissioner~~ director has expired,
34 unless an operating permit has been issued.

35 Sec. 1814. Section 89A.10, Code 2023, is amended to read as

1 follows:

2 **89A.10 Enforcement orders by ~~commissioner~~ director —**
3 **injunction.**

4 1. If an inspection report indicates a failure to comply
5 with applicable rules, or with the detailed plans and
6 specifications approved by the ~~commissioner~~ director, the
7 ~~commissioner~~ director may, upon giving notice, order the owner
8 of a conveyance to make the changes necessary for compliance.

9 2. If the owner does not make the changes necessary for
10 compliance as required in subsection 1 within the period
11 specified by the ~~commissioner~~ director, the ~~commissioner~~
12 director, upon notice, may suspend or revoke the operating
13 permit, or may refuse to issue the operating permit for
14 the conveyance. The ~~commissioner~~ director shall notify the
15 owner of any action to suspend, revoke, or refuse to issue an
16 operating permit and the reason for the action by service in
17 the same manner as an original notice or by certified mail. An
18 owner may appeal the ~~commissioner's~~ director's initial decision
19 to the safety board. The decision of the safety board shall be
20 considered final agency action pursuant to chapter 17A.

21 3. If the ~~commissioner~~ director has reason to believe
22 that the continued operation of a conveyance constitutes
23 an imminent danger which could reasonably be expected to
24 seriously injure or cause death to any person, in addition to
25 any other remedies, the ~~commissioner~~ director may apply to the
26 district court in the county in which such imminently dangerous
27 condition exists for a temporary order for the purpose of
28 enjoining such imminently dangerous conveyance. Upon hearing,
29 if deemed appropriate by the court, a permanent injunction
30 may be issued to ensure that such imminently dangerous
31 conveyance be prevented or controlled. Upon the elimination
32 or rectification of such imminently dangerous condition, the
33 temporary or permanent injunction shall be vacated.

34 Sec. 1815. Section 89A.12, Code 2023, is amended to read as
35 follows:

1 **89A.12 Access to conveyances.**

2 Every owner of a conveyance subject to regulation by
3 this chapter shall grant access to that conveyance to the
4 ~~commissioner~~ director and personnel of the ~~division~~ department.
5 Inspections shall be permitted at reasonable times, with or
6 without prior notice.

7 Sec. 1816. Section 89A.13, subsections 1, 2, and 4, Code
8 2023, are amended to read as follows:

9 1. An elevator safety board is created within the ~~division~~
10 ~~of labor services in the department of workforce development~~
11 to formulate definitions and rules for the safe and proper
12 installation, repair, maintenance, alteration, use, and
13 operation of conveyances in this state.

14 2. The safety board is composed of nine members, one of
15 whom shall be the ~~commissioner~~ director or the ~~commissioner's~~
16 director's designee. The governor shall appoint the remaining
17 eight members of the board, subject to senate confirmation, to
18 staggered four-year terms which shall begin and end as provided
19 in section 69.19. The members shall be as follows: two
20 representatives from an elevator manufacturing company or
21 its authorized representative; two representatives from
22 elevator servicing companies; one building owner or manager;
23 one representative employed by a local government in this
24 state who is knowledgeable about building codes in this
25 state; one representative of workers actively involved in the
26 installation, maintenance, and repair of elevators; and one
27 licensed mechanical engineer.

28 4. The members of the safety board shall select a
29 chairperson, vice chairperson, and a secretary from their
30 membership. However, neither the ~~commissioner~~ director nor the
31 ~~commissioner's~~ director's designee shall serve as chairperson.
32 The safety board shall meet at least quarterly but may meet as
33 often as necessary. Meetings shall be set by a majority of the
34 safety board or upon the call of the chairperson, or in the
35 chairperson's absence, upon the call of the vice chairperson.

1 A majority of the safety board members shall constitute a
2 quorum.

3 Sec. 1817. Section 89A.15, Code 2023, is amended to read as
4 follows:

5 **89A.15 Inspections by local authorities.**

6 A city or other governmental subdivision shall not make or
7 maintain any ordinance, bylaw, or resolution providing for the
8 licensing of special inspectors. An ordinance or resolution
9 relating to the inspection, construction, installation,
10 alteration, maintenance, or operation of conveyances within
11 the limits of the city or governmental subdivision which
12 conflicts with this chapter or with rules adopted pursuant
13 to this chapter is void. The ~~commissioner~~ director, in the
14 ~~commissioner's~~ director's discretion, may accept inspections by
15 local authorities in lieu of inspections required by section
16 89A.6, but only upon a showing by the local authority that
17 applicable laws and rules will be consistently and literally
18 enforced and that inspections will be performed by special
19 inspectors.

20 Sec. 1818. Section 89A.16, Code 2023, is amended to read as
21 follows:

22 **89A.16 Prosecution of offenses.**

23 The ~~division~~ department shall cause prosecution for the
24 violation of the provisions of this chapter to be instituted
25 by the attorney general in the county in which the violation
26 occurred.

27 Sec. 1819. Section 89A.18, Code 2023, is amended to read as
28 follows:

29 **89A.18 Civil penalty.**

30 If upon notice and hearing the ~~commissioner~~ director
31 determines that an owner has operated a conveyance after an
32 order of the ~~commissioner~~ director that suspends, revokes,
33 or refuses to issue an operating permit for the conveyance
34 has become final under section 89A.10, subsection 2, the
35 ~~commissioner~~ director may assess a civil penalty against the

1 owner in an amount not exceeding five hundred dollars, as
 2 determined by the ~~commissioner~~ director. An order assessing
 3 a civil penalty is subject to appeal under section 89A.10,
 4 subsection 2, in the same manner and to the same extent as
 5 decisions referred to in that subsection. The ~~commissioner~~
 6 director may commence an action in the district court to
 7 enforce payment of the civil penalty. A record of assessment
 8 against or payment of a civil penalty by any person for a
 9 violation of this section shall not be admissible as evidence
 10 in any court in any civil action. Revenue from the penalty
 11 provided in this section shall be remitted to the treasurer of
 12 state for deposit in the state general fund.

13 Sec. 1820. Section 89A.19, Code 2023, is amended to read as
 14 follows:

15 **89A.19 Elevator safety fund — fees appropriated.**

16 A revolving elevator safety fund is created in the state
 17 treasury under the control of the ~~commissioner~~ director and
 18 shall consist of moneys collected by the ~~commissioner~~ director
 19 as fees. Moneys in the fund are appropriated to and shall
 20 be used by the ~~commissioner~~ director to pay the actual costs
 21 and expenses necessary to operate the safety board and perform
 22 the duties of the ~~commissioner~~ director as described in this
 23 chapter. All fees collected by the ~~commissioner~~ director
 24 pursuant to this chapter shall be remitted to the treasurer
 25 of state to be deposited in the elevator safety fund. All
 26 salaries and expenses properly chargeable to the fund shall be
 27 paid from the fund. Section 8.33 does not apply to any moneys
 28 in the fund. Notwithstanding section 12C.7, subsection 2,
 29 interest or earnings on moneys deposited in the fund shall be
 30 credited to the fund.

31 Sec. 1821. Section 89B.3, Code 2023, is amended by adding
 32 the following new subsection:

33 NEW SUBSECTION. 01. "*Commissioner*" means the labor
 34 commissioner appointed pursuant to section 10A.203, or the
 35 labor commissioner's designee.

1 Sec. 1822. Section 89B.3, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. "*Division*" means the division of labor services of the
4 department of ~~workforce development created under section 84A.1~~
5 inspections, appeals, and licensing.

6 Sec. 1823. Section 90A.1, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. "*Commissioner*" means the state commissioner of athletics,
9 who is also the ~~labor commissioner appointed pursuant to~~
10 ~~section 91.2,~~ director of the department of inspections,
11 appeals, and licensing or the labor commissioner's director's
12 designee.

13 Sec. 1824. Section 91A.2, subsection 1, Code 2023, is
14 amended by striking the subsection.

15 Sec. 1825. Section 91A.2, Code 2023, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 2A. "*Director*" means the director of the
18 department of inspections, appeals, and licensing.

19 Sec. 1826. Section 91A.6, subsection 1, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 An employer shall after being notified by the ~~commissioner~~
22 director pursuant to subsection 2:

23 Sec. 1827. Section 91A.6, subsection 2, Code 2023, is
24 amended to read as follows:

25 2. The ~~commissioner~~ director shall notify an employer to
26 comply with subsection 1 if the employer has paid a claim
27 for unpaid wages or nonreimbursed authorized expenses and
28 liquidated damages under section 91A.10 or if the employer
29 has been assessed a civil money penalty under section 91A.12.
30 However, a court may, when rendering a judgment for wages or
31 nonreimbursed authorized expenses and liquidated damages or
32 upholding a civil money penalty assessment, order that an
33 employer shall not be required to comply with the provisions of
34 subsection 1 or that an employer shall be required to comply
35 with the provisions of subsection 1 for a particular period of

1 time.

2 Sec. 1828. Section 91A.9, Code 2023, is amended to read as
3 follows:

4 **91A.9 General powers and duties of the ~~commissioner~~ director.**

5 1. The ~~commissioner~~ director shall administer and enforce
6 the provisions of this chapter. The ~~commissioner~~ director may
7 hold hearings and investigate charges of violations of this
8 chapter.

9 2. The ~~commissioner~~ director may, consistent with due
10 process of law, enter any place of employment to inspect
11 records concerning wages and payrolls, to question the employer
12 and employees, and to investigate such facts, conditions, or
13 matters as are deemed appropriate in determining whether any
14 person has violated the provisions of this chapter. However,
15 such entry by the ~~commissioner~~ director shall only be in
16 response to a written complaint.

17 3. The ~~commissioner~~ director may employ such qualified
18 personnel as are necessary for the enforcement of this chapter.
19 Such personnel shall be employed pursuant to chapter 8A,
20 subchapter IV.

21 4. The ~~commissioner~~ director shall, in consultation with
22 the United States department of labor, develop a database of
23 the employers in this state utilizing special certificates
24 issued by the United States secretary of labor as authorized
25 under 29 U.S.C. §214, and shall maintain the database.

26 5. The ~~commissioner~~ director shall promulgate, pursuant to
27 chapter 17A, any rules necessary to carry out the provisions of
28 this chapter.

29 Sec. 1829. Section 91A.10, Code 2023, is amended to read as
30 follows:

31 **91A.10 Settlement of claims and suits for wages —**
32 **prohibition against discharge of employee.**

33 1. Upon the written complaint of the employee involved,
34 the ~~commissioner~~ director may determine whether wages have
35 not been paid and may constitute an enforceable claim. If

1 for any reason the ~~commissioner~~ director decides not to make
2 such determination, the ~~commissioner~~ director shall so notify
3 the complaining employee within fourteen days of receipt of
4 the complaint. The ~~commissioner~~ director shall otherwise
5 notify the employee of such determination within a reasonable
6 time and if it is determined that there is an enforceable
7 claim, the ~~commissioner~~ director shall, with the consent of
8 the complaining employee, take an assignment in trust for the
9 wages and for any claim for liquidated damages without being
10 bound by any of the technical rules respecting the validity of
11 the assignment. However, the ~~commissioner~~ director shall not
12 accept any complaint for unpaid wages and liquidated damages
13 after one year from the date the wages became due and payable.

14 2. The ~~commissioner~~ director, with the assistance of the
15 office of the attorney general if the ~~commissioner~~ director
16 requests such assistance, shall, unless a settlement is
17 reached under this subsection, commence a civil action in any
18 court of competent jurisdiction to recover for the benefit
19 of any employee any wage, expenses, and liquidated damages'
20 claims that have been assigned to the ~~commissioner~~ director
21 for recovery. The ~~commissioner~~ director may also request
22 reasonable and necessary attorney fees. With the consent
23 of the assigning employee, the ~~commissioner~~ director may
24 also settle a claim on behalf of the assigning employee.
25 Proceedings under this subsection and subsection 1 that precede
26 commencement of a civil action shall be conducted informally
27 without any party having a right to be heard before the
28 ~~commissioner~~ director. The ~~commissioner~~ director may join
29 various assignments in one claim for the purpose of settling or
30 litigating their claims.

31 3. The provisions of subsections 1 and 2 shall not be
32 construed to prevent an employee from settling or bringing an
33 action for damages under section 91A.8 if the employee has not
34 assigned the claim under subsection 1.

35 4. Any recovery of attorney fees, in the case of actions

1 brought under this section by the ~~commissioner~~ director, shall
2 be remitted by the ~~commissioner~~ director to the treasurer of
3 state for deposit in the general fund of the state. Also, the
4 ~~commissioner~~ director shall not be required to pay any filing
5 fee or other court costs.

6 5. An employer shall not discharge or in any other manner
7 discriminate against any employee because the employee has
8 filed a complaint, assigned a claim, or brought an action
9 under this section or has cooperated in bringing any action
10 against an employer. Any employee may file a complaint with
11 the ~~commissioner~~ director alleging discharge or discrimination
12 within thirty days after such violation occurs. Upon receipt
13 of the complaint, the ~~commissioner~~ director shall cause an
14 investigation to be made to the extent deemed appropriate. If
15 the ~~commissioner~~ director determines from the investigation
16 that the provisions of this subsection have been violated, the
17 ~~commissioner~~ director shall bring an action in the appropriate
18 district court against such person. The district court shall
19 have jurisdiction, for cause shown, to restrain violations of
20 this subsection and order all appropriate relief including
21 rehiring or reinstatement of the employee to the former
22 position with back pay.

23 Sec. 1830. Section 91A.11, Code 2023, is amended to read as
24 follows:

25 **91A.11 Wage claims brought under reciprocity.**

26 1. The ~~commissioner~~ director may enter into reciprocal
27 agreements with the labor department or corresponding agency
28 of any other state or its representatives for the collection
29 in such other states of claims or judgments for wages and
30 other demands based upon claims assigned to the ~~commissioner~~
31 director.

32 2. The ~~commissioner~~ director may, to the extent provided
33 for by any reciprocal agreement entered into by law or with an
34 agency of another state as provided in this section, maintain
35 actions in the courts of such other state to the extent

1 permitted by the laws of that state for the collection of
2 claims for wages, judgments and other demands and may assign
3 such claims, judgments and demands to the labor department or
4 agency of such other state for collection to the extent that
5 such an assignment may be permitted or provided for by the laws
6 of such state or by reciprocal agreement.

7 3. The ~~commissioner~~ director may, upon the written consent
8 of the labor department or other corresponding agency of any
9 other state or its representatives, maintain actions in the
10 courts of this state upon assigned claims for wages, judgments
11 and demands arising in such other state in the same manner
12 and to the same extent that such actions by the ~~commissioner~~
13 director are authorized when arising in this state. However,
14 such actions may be maintained only in cases in which such
15 other state by law or reciprocal agreement extends a like
16 comity to cases arising in this state.

17 Sec. 1831. Section 91A.12, Code 2023, is amended to read as
18 follows:

19 **91A.12 Civil penalties.**

20 1. Any employer who violates the provisions of this chapter
21 or the rules promulgated under it shall be subject to a civil
22 money penalty of not more than five hundred dollars per pay
23 period for each violation. The ~~commissioner~~ director may
24 recover such civil money penalty according to the provisions
25 of subsections 2 through 5. Any civil money penalty recovered
26 shall be deposited in the general fund of the state.

27 2. The ~~commissioner~~ director may propose that an employer
28 be assessed a civil money penalty by serving the employer with
29 notice of such proposal in the same manner as an original
30 notice is served under the rules of civil procedure. Upon
31 service of such notice, the proposed assessment shall be
32 treated as a contested case under chapter 17A. However, an
33 employer must request a hearing within thirty days of being
34 served.

35 3. If an employer does not request a hearing pursuant

1 to subsection 2 or if the ~~commissioner~~ director determines,
2 after an appropriate hearing, that an employer is in violation
3 of this chapter, the ~~commissioner~~ director shall assess a
4 civil money penalty which is consistent with the provisions
5 of subsection 1 and which is rendered with due consideration
6 for the penalty amount in terms of the size of the employer's
7 business, the gravity of the violation, the good faith of the
8 employer, and the history of previous violations.

9 4. An employer may seek judicial review of any assessment
10 rendered under subsection 3 by instituting proceedings for
11 judicial review pursuant to chapter 17A. However, such
12 proceedings must be instituted in the district court of the
13 county in which the violation or one of the violations occurred
14 and within thirty days of the day on which the employer was
15 notified that an assessment has been rendered. Also, an
16 employer may be required, at the discretion of the district
17 court and upon instituting such proceedings, to deposit the
18 amount assessed with the clerk of the district court. Any
19 moneys so deposited shall either be returned to the employer
20 or be forwarded to the ~~commissioner~~ director for deposit in
21 the general fund of the state, depending on the outcome of the
22 judicial review, including any appeal to the supreme court.

23 5. After the time for seeking judicial review has expired
24 or after all judicial review has been exhausted and the
25 ~~commissioner's~~ director's assessment has been upheld, the
26 ~~commissioner~~ director shall request the attorney general to
27 recover the assessed penalties in a civil action.

28 Sec. 1832. Section 91A.15, subsection 2, paragraph b, Code
29 2023, is amended to read as follows:

30 b. The franchisor has been found by the ~~commissioner~~
31 director to have exercised a type or degree of control over
32 the franchisee or the franchisee's employees that is not
33 customarily exercised by a franchisor for the purpose of
34 protecting the franchisor's trademarks and brand.

35 Sec. 1833. Section 91C.1, Code 2023, is amended to read as

1 follows:

2 **91C.1 Definition — exemption — combined registration and**
 3 **licensing process for plumbers and mechanical professionals.**

4 1. As used in this chapter, unless the context otherwise
 5 requires, ~~"contractor"~~:

6 a. "Contractor" means a person who engages in the business
 7 of construction, as the term "*construction*" is defined in the
 8 Iowa administrative code for purposes of chapter 96, the Iowa
 9 employment security law. However, a person who earns less than
 10 two thousand dollars annually or who performs work or has work
 11 performed on the person's own property is not a contractor for
 12 purposes of this chapter.

13 b. "Department" means the department of inspections,
 14 appeals, and licensing.

15 c. "Director" means the director of the department of
 16 inspections, appeals, and licensing.

17 2. The state, its boards, commissions, agencies,
 18 departments, and its political subdivisions including school
 19 districts and other special purpose districts, are not
 20 contractors for purposes of this chapter.

21 ~~2.~~ 3. If a contractor's registration application shows
 22 that the contractor is self-employed, does not pay more than
 23 two thousand dollars annually to employ other persons in the
 24 business, and does not work with or for other contractors in
 25 the same phases of construction, the contractor is exempt from
 26 the fee requirements under this chapter.

27 ~~3. 4. a. The labor services division of the department of~~
 28 ~~workforce development and the Iowa department of public health~~
 29 ~~will work with stakeholders to develop a plan to combine the~~
 30 ~~contractor registration and contractor licensing application~~
 31 ~~process for contractors licensed under chapter 105, to be~~
 32 ~~implemented in time for licensing renewals due July 1, 2017.~~
 33 ~~Effective July 1, 2017, a~~ A contractor licensed under chapter
 34 105 shall register as a contractor under this chapter in
 35 conjunction with the contractor licensing process established

1 ~~by the department. At no cost to the labor services division,~~
 2 ~~the~~ The department of public health shall collect both the
 3 registration and licensing applications as part of one combined
 4 application. The ~~labor commissioner~~ director shall design
 5 the contractor registration application form to exclude
 6 from the ~~division of labor services'~~ department's contractor
 7 registration application process those contractors who are also
 8 covered by chapter 103 or 105. The ~~labor commissioner~~ director
 9 is authorized to adopt rules as needed to accomplish a merger
 10 of the application systems including transitional registration
 11 periods and fees.

12 ~~b. Effective July 1, 2017, excluding registrations by~~
 13 ~~contractors that are exempt from the registration fee pursuant~~
 14 ~~to this section, the department of public health shall collect~~
 15 ~~and transfer to the labor services division a portion of each~~
 16 ~~contractor license fee equal to three times the contractor~~
 17 ~~registration fee for each three-year license or a prorated~~
 18 ~~portion thereof using a one-sixth deduction for each six-month~~
 19 ~~period of the renewal cycle.~~

20 Sec. 1834. Section 91C.2, Code 2023, is amended to read as
 21 follows:

22 **91C.2 Registration required — conditions.**

23 A contractor doing business in this state shall register
 24 with the ~~labor commissioner~~ director and shall meet all of the
 25 following requirements as a condition of registration:

26 1. The contractor shall be in compliance with the laws of
 27 this state relating to workers' compensation insurance and
 28 shall provide evidence of workers' compensation insurance
 29 coverage annually, of relief from the insurance requirement
 30 pursuant to section 87.11, or a statement that the contractor
 31 is not required to carry workers' compensation coverage.
 32 Notice of a policy's cancellation shall be provided to the
 33 ~~labor commissioner~~ director by the insurance company.

34 2. The contractor shall possess an employer account number
 35 or a special contractor number issued by the department

1 of workforce development pursuant to chapter 96, the Iowa
2 employment security law.

3 3. An out-of-state contractor shall either file a surety
4 bond, as provided in section 91C.7, with the ~~division of labor~~
5 ~~services department~~ in the amount of twenty-five thousand
6 dollars or shall provide a statement to the ~~division of labor~~
7 ~~services department~~ that the contractor is prequalified to bid
8 on projects for the department of transportation pursuant to
9 section 314.1.

10 Sec. 1835. Section 91C.3, subsection 1, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:

12 The registration application shall be in the form prescribed
13 by the ~~labor commissioner~~ director, shall be accompanied by
14 the registration fee prescribed pursuant to section 91C.4, and
15 shall contain information which is substantially complete and
16 accurate. In addition to the information determined by the
17 ~~labor commissioner~~ director to be necessary for purposes of
18 section 91C.2, the application shall include information as to
19 each of the following:

20 Sec. 1836. Section 91C.3, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Any change in the information provided shall be reported
23 promptly to the ~~labor commissioner~~ director.

24 Sec. 1837. Section 91C.4, Code 2023, is amended to read as
25 follows:

26 **91C.4 Fees.**

27 The ~~labor commissioner~~ director shall prescribe the fee for
28 registration, which fee shall not exceed fifty dollars every
29 year.

30 Sec. 1838. Section 91C.5, Code 2023, is amended to read as
31 follows:

32 **91C.5 Public registration number — records — revocation.**

33 1. The ~~labor commissioner~~ director shall issue to each
34 registered contractor an identifying public registration
35 number and shall compile records showing the names and public

1 registration numbers of all contractors registered in the
 2 state. These records and the complete registration information
 3 provided by each contractor are public records and the ~~labor~~
 4 ~~commissioner~~ director shall take steps as necessary to
 5 facilitate access to the information by governmental agencies
 6 and the general public.

7 2. The ~~labor-commissioner~~ director shall revoke a
 8 registration number when the contractor fails to maintain
 9 compliance with the conditions necessary to obtain a
 10 registration. The ~~labor-commissioner~~ director shall provide
 11 a fact-finding interview to assure that the contractor is not
 12 in compliance before revoking any registration. Hearings on
 13 revocation of registrations shall be held in accordance with
 14 section 91C.8.

15 Sec. 1839. Section 91C.6, Code 2023, is amended to read as
 16 follows:

17 **91C.6 Rules.**

18 The ~~labor-commissioner~~ director shall adopt rules, pursuant
 19 to chapter 17A, determined to be reasonably necessary for
 20 phasing in, administering, and enforcing the system of
 21 contractor registration established by this chapter.

22 Sec. 1840. Section 91C.7, Code 2023, is amended to read as
 23 follows:

24 **91C.7 Contracts — contractor's bond.**

25 1. A contractor who is not registered with the ~~labor~~
 26 ~~commissioner~~ director as required by this chapter shall not be
 27 awarded a contract to perform work for the state or an agency
 28 of the state.

29 2. A surety bond filed pursuant to section 91C.2 shall
 30 be executed by a surety company authorized to do business in
 31 this state, and the bond shall be continuous in nature until
 32 canceled by the surety with not less than thirty days' written
 33 notice to the contractor and to the ~~division of labor services~~
 34 ~~of the department of workforce development~~ indicating the
 35 surety's desire to cancel the bond. The surety company shall

1 not be liable under the bond for any contract commenced after
2 the cancellation of the bond. The ~~division of labor services~~
3 ~~of the department of workforce development~~ may increase the
4 bond amount after a hearing.

5 3. Release of the bond shall be conditioned upon the
6 payment of all taxes, including contributions due under
7 the unemployment compensation insurance system, penalties,
8 interest, and related fees, which may accrue to the state
9 of Iowa. If at any time during the term of the bond,
10 the department of revenue or the department ~~of workforce~~
11 ~~development~~ determines that the amount of the bond is not
12 sufficient to cover the tax liabilities accruing to the state
13 of Iowa, the ~~labor commissioner~~ director shall require the bond
14 to be increased by an amount the ~~labor commissioner~~ director
15 deems sufficient to cover the tax liabilities accrued and
16 accruing.

17 4. The department of revenue and the department ~~of workforce~~
18 ~~development~~ shall adopt rules for the collection of the
19 forfeiture. Notice shall be provided to the surety and to
20 the contractor. Notice to the contractor shall be mailed to
21 the contractor's last known address and to the contractor's
22 registered agent for service of process, if any, within the
23 state. The contractor or surety shall have the opportunity to
24 apply to the director of revenue for a hearing within thirty
25 days after the giving of such notice. Upon the failure to
26 timely request a hearing, the bond shall be forfeited. If,
27 after the hearing upon timely request, the department of
28 revenue or the department ~~of workforce development~~ finds
29 that the contractor has failed to pay the total of all taxes
30 payable, the department of revenue or the department ~~of~~
31 ~~workforce development~~ shall order the bond forfeited. The
32 amount of the forfeiture shall be the amount of taxes payable
33 or the amount of the bond, whichever is less. For purposes of
34 this section "*taxes payable*" means all tax, penalties, interest,
35 and fees that the department of revenue has previously

1 determined to be due to the state by assessment or in an appeal
2 of an assessment, including contributions to the unemployment
3 compensation insurance system.

4 5. If it is determined that this section may cause denial
5 of federal funds which would otherwise be available, or is
6 otherwise inconsistent with requirements of federal law, this
7 section shall be suspended, but only to the extent necessary to
8 prevent denial of the funds or to eliminate the inconsistency
9 with federal requirements.

10 6. The bond required by this section may be attached by the
11 ~~commissioner~~ director for collection of fees and penalties due
12 to the division.

13 Sec. 1841. Section 91C.8, Code 2023, is amended to read as
14 follows:

15 **91C.8 Investigations — enforcement — administrative**
16 **penalties.**

17 1. The ~~labor commissioner~~ director and inspectors of the
18 ~~division of labor services of the department of workforce~~
19 ~~development~~ have jurisdiction for investigation and enforcement
20 in cases where contractors may be in violation of the
21 requirements of this chapter or rules adopted pursuant to this
22 chapter.

23 2. If, upon investigation, the ~~labor commissioner~~ director
24 or the ~~commissioner's~~ director's authorized representative
25 believes that a contractor has violated any of the following,
26 the ~~commissioner~~ director shall with reasonable promptness
27 issue a citation to the contractor:

28 a. The requirement that a contractor be registered.

29 b. The requirement that the contractor's registration
30 information be substantially complete and accurate.

31 c. The requirement that an out-of-state contractor file a
32 bond with the ~~division of labor services~~ department.

33 3. Each citation shall be in writing and shall describe
34 with particularity the nature of the violation, including a
35 reference to the provision of the statute alleged to have been

1 violated.

2 4. If a citation is issued, the ~~commissioner~~ director shall,
3 within seven days, notify the contractor by service in the
4 same manner as an original notice or by certified mail of the
5 administrative penalty, if any, proposed to be assessed and
6 that the contractor has fifteen working days within which to
7 notify the ~~commissioner~~ director that the contractor wishes to
8 contest the citation or proposed assessment of penalty.

9 5. The administrative penalties which may be imposed under
10 this section shall be not more than five hundred dollars
11 in the case of a first violation and not more than five
12 thousand dollars for each violation in the case of a second or
13 subsequent violation. All administrative penalties collected
14 pursuant to this chapter shall be deposited in the general fund
15 of the state.

16 6. If, within fifteen working days from the receipt of
17 the notice, the contractor fails to notify the ~~commissioner~~
18 director that the contractor intends to contest the citation
19 or proposed assessment of penalty, the citation and the
20 assessment, as proposed, shall be deemed a final order of the
21 employment appeal board and not subject to review by any court
22 or agency.

23 7. If the contractor notifies the ~~commissioner~~ director
24 that the contractor intends to contest the citation or proposed
25 assessment of penalty, the ~~commissioner~~ director shall
26 immediately advise the employment appeal board established by
27 section 10A.601. The employment appeal board shall review the
28 action of the ~~commissioner~~ director and shall thereafter issue
29 an order, based on findings of fact, affirming, modifying, or
30 vacating the ~~commissioner's~~ director's citation or proposed
31 penalty or directing other appropriate relief, and the order
32 shall become final sixty days after its issuance.

33 8. The ~~labor-commissioner~~ director shall notify the
34 department of revenue upon final agency action regarding
35 the citation and assessment of penalty against a registered

1 contractor.

2 9. Judicial review of any order of the employment appeal
3 board issued pursuant to this section may be sought in
4 accordance with the terms of chapter 17A. If no petition
5 for judicial review is filed within sixty days after service
6 of the order of the employment appeal board, the appeal
7 board's findings of fact and order shall be conclusive in
8 connection with any petition for enforcement which is filed
9 by the ~~commissioner~~ director after the expiration of the
10 sixty-day period. In any such case, the clerk of court, unless
11 otherwise ordered by the court, shall forthwith enter a decree
12 enforcing the order and shall transmit a copy of the decree to
13 the employment appeal board and the contractor named in the
14 petition.

15 Sec. 1842. Section 91C.9, subsection 1, Code 2023, is
16 amended to read as follows:

17 1. A contractor registration revolving fund is created in
18 the state treasury. The revolving fund shall be administered
19 by the ~~commissioner~~ director and shall consist of moneys
20 collected by the ~~commissioner~~ director as fees. The
21 ~~commissioner~~ director shall remit all fees collected pursuant
22 to this chapter to the revolving fund. The moneys in the
23 revolving fund are appropriated to and shall be used by the
24 ~~commissioner~~ director to pay the actual costs and expenses
25 necessary to perform the duties of the ~~commissioner~~ director
26 and the ~~division of labor services~~ department as described in
27 this chapter. All salaries and expenses properly chargeable to
28 the revolving fund shall be paid from the revolving fund.

29 Sec. 1843. Section 91D.1, subsection 1, paragraph c, Code
30 2023, is amended to read as follows:

31 c. For purposes of determining whether an employee of a
32 restaurant, hotel, motel, inn, or cabin, who customarily and
33 regularly receives more than thirty dollars a month in tips
34 is receiving the minimum hourly wage rate prescribed by this
35 section, the amount paid the employee by the employer shall

1 be deemed to be increased on account of the tips by an amount
 2 determined by the employer, not to exceed forty percent of
 3 the applicable minimum wage. An employee may file a written
 4 appeal with the ~~labor commissioner~~ director of the department
 5 of inspections, appeals, and licensing if the amount of tips
 6 received by the employee is less than the amount determined by
 7 the employer under this subsection.

8 Sec. 1844. Section 91D.1, subsection 3, paragraph b,
 9 subparagraph (2), Code 2023, is amended to read as follows:

10 (2) The franchisor has been found by the ~~labor commissioner~~
 11 director of the department of inspections, appeals, and
 12 licensing to have exercised a type or degree of control over
 13 the franchisee or the franchisee's employees that is not
 14 customarily exercised by a franchisor for the purpose of
 15 protecting the franchisor's trademarks and brand.

16 Sec. 1845. Section 91D.1, subsection 5, Code 2023, is
 17 amended to read as follows:

18 5. The ~~labor commissioner~~ director of the department of
 19 inspections, appeals, and licensing shall adopt rules to
 20 implement and administer this section.

21 Sec. 1846. Section 91E.1, subsection 1, Code 2023, is
 22 amended by striking the subsection and inserting in lieu
 23 thereof the following:

24 1. "*Director*" means the director of the department of
 25 inspections, appeals, and licensing.

26 Sec. 1847. Section 91E.2, subsection 1, paragraph b, Code
 27 2023, is amended to read as follows:

28 b. If a Spanish-speaking interpreter is needed, the employer
 29 shall select an interpreter from a list of interpreters
 30 developed by the department of ~~workforce development~~
 31 inspections, appeals, and licensing.

32 Sec. 1848. Section 91E.5, Code 2023, is amended to read as
 33 follows:

34 **91E.5 Duties and authority of the ~~commissioner~~ director.**

35 1. The ~~commissioner~~ director shall adopt rules to implement

1 and enforce this chapter and shall provide further exemptions
2 from the provisions of this chapter where reasonable.

3 2. In order to carry out the purposes of this chapter,
4 the ~~commissioner~~ director or the ~~commissioner's~~ director's
5 representative, upon presenting appropriate credentials to the
6 owner, operator, or agent in charge, may:

7 a. Inspect employment records relating to the total number
8 of employees and non-English speaking employees, and the
9 services provided to non-English speaking employees.

10 b. Interview an employer, owner, operator, agent, or
11 employee, during working hours or at other reasonable times.

12 Sec. 1849. Section 92.1, Code 2023, is amended to read as
13 follows:

14 **92.1 Street occupations — migratory labor.**

15 1. No person under ten years of age shall be employed or
16 permitted to work with or without compensation at any time
17 within this state in street occupations of peddling, shoe
18 polishing, the distribution or sale of newspapers, magazines,
19 periodicals or circulars, nor in any other occupations in any
20 street or public place. The ~~labor commissioner~~ director shall,
21 when ordered by a judge of the juvenile court, issue a work
22 permit as provided in this chapter to a person under ten years
23 of age.

24 2. No person under twelve years of age shall be employed
25 or permitted to work with or without compensation at any time
26 within this state in connection with migratory labor, except
27 that the ~~labor commissioner~~ director may upon sufficient
28 showing by a judge of the juvenile court, issue a work permit
29 as provided in this chapter to a person under twelve years of
30 age.

31 Sec. 1850. NEW SECTION. **92.1B Definition.**

32 For purposes of this chapter, "*director*" means the director
33 of the department of inspections, appeals, and licensing.

34 Sec. 1851. Section 92.4, subsection 1, Code 2023, is amended
35 to read as follows:

1 1. Those persons legally out of school, if such status
2 is verified by the submission of written proof to the ~~labor~~
3 ~~commissioner~~ director.

4 Sec. 1852. Section 92.6, subsection 1, paragraph g, Code
5 2023, is amended to read as follows:

6 g. Occupations prohibited by rules adopted pursuant to
7 chapter 17A by the ~~labor-commissioner~~ director.

8 Sec. 1853. Section 92.8, subsection 21, Code 2023, is
9 amended to read as follows:

10 21. Occupations prohibited by rules adopted pursuant to
11 chapter 17A by the ~~labor-commissioner~~ director.

12 Sec. 1854. Section 92.11, unnumbered paragraph 1, Code
13 2023, is amended to read as follows:

14 A work permit, except for migrant laborers, shall be issued
15 only by the ~~labor-commissioner~~ director upon the application of
16 the parent, guardian, or custodian of the child desiring such
17 permit. The application shall include the following:

18 Sec. 1855. Section 92.12, subsections 2 and 3, Code 2023,
19 are amended to read as follows:

20 2. Work permits for migrant workers shall be issued by the
21 ~~labor-commissioner~~ director upon application of the parent or
22 head of the migrant family. The application shall include
23 documentation of proof of age as described in section 92.11,
24 subsection 2.

25 3. One copy of the permit issued shall be given to the
26 employer to be kept on file for the length of employment and
27 upon termination of employment shall be returned to the ~~labor~~
28 ~~commissioner~~ director. The blank forms for the application
29 for a work permit for migratory workers and the work permit
30 for migratory workers shall be formulated by the ~~commissioner~~
31 director.

32 Sec. 1856. Section 92.13, Code 2023, is amended to read as
33 follows:

34 **92.13 Optional refusal of permit.**

35 The ~~labor-commissioner~~ director may refuse to grant a

1 permit if, in the ~~commissioner's~~ director's judgment, the best
2 interests of the minor would be served by such refusal and the
3 ~~commissioner~~ director shall keep a record of such refusals, and
4 the reasons therefor.

5 Sec. 1857. Section 92.15, Code 2023, is amended to read as
6 follows:

7 **92.15 Application to ~~labor-commissioner~~ director.**

8 An application for a work permit pursuant to section 92.11
9 or section 92.12 shall be submitted to the office of the ~~labor~~
10 ~~commissioner~~ director within three days after the child begins
11 work.

12 Sec. 1858. Section 92.16, Code 2023, is amended to read as
13 follows:

14 **92.16 Forms for permits formulated.**

15 The proper forms for the application for a work permit,
16 the work permit, the certificate of age, and the physician's
17 certificate shall be formulated by the ~~labor-commissioner~~
18 director.

19 Sec. 1859. Section 92.21, Code 2023, is amended to read as
20 follows:

21 **92.21 Rules and orders of ~~labor-commissioner~~ director.**

22 1. The ~~labor-commissioner~~ director may adopt rules pursuant
23 to chapter 17A to more specifically define the occupations
24 and equipment permitted or prohibited in this chapter, to
25 determine occupations for which work permits are required, and
26 to issue general and special orders prohibiting or allowing
27 the employment of persons under eighteen years of age in any
28 place of employment defined in this chapter as hazardous to the
29 health, safety, and welfare of the persons.

30 2. The ~~labor-commissioner~~ director shall adopt rules
31 pursuant to chapter 17A specifically defining the civil penalty
32 amount to be assessed for violations of this chapter.

33 Sec. 1860. Section 92.22, Code 2023, is amended to read as
34 follows:

35 **92.22 ~~Labor-commissioner~~ Director to enforce — civil penalty**

1 — judicial review.

2 1. The ~~labor-commissioner~~ director shall enforce this
3 chapter. An employer who violates this chapter or the rules
4 adopted pursuant to this chapter is subject to a civil penalty
5 of not more than ten thousand dollars for each violation.

6 2. The ~~commissioner~~ director shall notify the employer
7 of a proposed civil penalty by service in the same manner as
8 an original notice or by certified mail. If, within fifteen
9 working days from the receipt of the notice, the employer fails
10 to file a notice of contest in accordance with rules adopted by
11 the ~~commissioner~~ director pursuant to chapter 17A, the penalty,
12 as proposed, shall be deemed final agency action for purposes
13 of judicial review.

14 3. The ~~commissioner~~ director shall notify the department of
15 revenue upon final agency action regarding the assessment of a
16 penalty against an employer. Interest shall be calculated from
17 the date of final agency action.

18 4. Judicial review of final agency action pursuant to
19 this section may be sought in accordance with the terms of
20 section 17A.19. If no petition for judicial review is filed
21 within sixty days after service of the final agency action
22 of the ~~commissioner~~ director, the ~~commissioner's~~ director's
23 findings of fact and final agency action shall be conclusive in
24 connection with any petition for enforcement which is filed by
25 the ~~commissioner~~ director after the expiration of the sixty-day
26 period. In any such case, the clerk of court, unless otherwise
27 ordered by the court, shall forthwith enter a decree enforcing
28 the final agency action and shall transmit a copy of the decree
29 to the ~~commissioner~~ director and the employer named in the
30 petition.

31 5. Any penalties recovered pursuant to this section shall be
32 remitted by the ~~commissioner~~ director to the treasurer of state
33 for deposit in the general fund of the state.

34 6. Mayors and police officers, sheriffs, school
35 superintendents, and school truant and attendance officers,

1 within their several jurisdictions, shall cooperate in the
 2 enforcement of this chapter and furnish the ~~commissioner~~
 3 director and the ~~commissioner's~~ director's designees with all
 4 information coming to their knowledge regarding violations of
 5 this chapter. All such officers and any person authorized in
 6 writing by a court of record shall have the authority to enter,
 7 for the purpose of investigation, any of the establishments and
 8 places mentioned in this chapter and to freely question any
 9 person therein as to any violations of this chapter.

10 7. County attorneys shall investigate all complaints made
 11 to them of violations of this chapter, and prosecute all such
 12 cases of violation within their respective counties.

13 Sec. 1861. Section 96.1A, subsection 23, Code 2023, is
 14 amended to read as follows:

15 23. "*Hospital*" means an institution which has been licensed,
 16 certified, or approved by the department of inspections, and
 17 appeals, and licensing as a hospital.

18 Sec. 1862. Section 97B.20A, Code 2023, is amended to read
 19 as follows:

20 **97B.20A Appeal procedure.**

21 Members and third-party payees may appeal any decision made
 22 by the system that affects their rights under this chapter.
 23 The appeal shall be filed with the system within thirty days
 24 after the notification of the decision was mailed to the
 25 party's last known mailing address, or the decision of the
 26 system is final. If the party appeals the decision of the
 27 system, the system shall conduct an internal review of the
 28 decision and the chief executive officer shall notify the
 29 individual who has filed the appeal in writing of the system's
 30 decision. The individual who has filed the appeal may file an
 31 appeal of the system's final decision with the system under
 32 chapter 17A by notifying the system of the appeal in writing
 33 within thirty days after the notification of its final decision
 34 was mailed to the party's last known mailing address. Once
 35 notified, the system shall forward the appeal to the department

1 of inspections, ~~and appeals~~, and licensing.

2 Sec. 1863. Section 97B.20B, Code 2023, is amended to read
3 as follows:

4 **97B.20B Hearing by administrative law judge.**

5 If an appeal is filed and is not withdrawn, an administrative
6 law judge in the department of inspections, ~~and appeals~~, and
7 licensing, after affording the parties reasonable opportunity
8 for fair hearing, shall affirm, modify, or reverse the
9 decision of the system. The hearing shall be recorded by
10 mechanical means and a transcript of the hearing shall be
11 made. The transcript shall then be made available for use by
12 the employment appeal board and by the courts at subsequent
13 judicial review proceedings under the Iowa administrative
14 procedure Act, chapter 17A, if any. The parties shall be duly
15 notified of the administrative law judge's decision, together
16 with the administrative law judge's reasons. The decision is
17 final unless, within thirty days after the date of notification
18 or mailing of the decision, review by the employment appeal
19 board is initiated pursuant to section 97B.27.

20 Sec. 1864. Section 97B.27, Code 2023, is amended to read as
21 follows:

22 **97B.27 Review of decision.**

23 Anyone aggrieved by the decision of the administrative law
24 judge may, at any time before the administrative law judge's
25 decision becomes final, petition the department of inspections,
26 ~~and appeals~~, and licensing for review by the employment appeal
27 board established in section 10A.601. The appeal board shall
28 review the record made before the administrative law judge, but
29 no additional evidence shall be heard. On the basis of the
30 record the appeal board shall affirm, modify, or reverse the
31 decision of the administrative law judge and shall determine
32 the rights of the appellant. It shall promptly notify the
33 appellant and any other interested party by written decision.

34 Sec. 1865. Section 99B.1, subsection 13, Code 2023, is
35 amended to read as follows:

1 13. "*Department*" means the department of inspections, and
2 appeals, and licensing.

3 Sec. 1866. Section 99B.6, Code 2023, is amended to read as
4 follows:

5 **99B.6 Attorney general and county attorney — prosecution.**

6 Upon request of the department of inspections, and appeals,
7 and licensing or the division of criminal investigation of
8 the department of public safety, the attorney general shall
9 institute in the name of the state the proper proceedings
10 against a person charged by either department with violating
11 this chapter, and a county attorney, at the request of the
12 attorney general, shall appear and prosecute an action when
13 brought in the county attorney's county.

14 Sec. 1867. Section 99B.7, Code 2023, is amended to read as
15 follows:

16 **99B.7 Division of criminal investigation.**

17 The division of criminal investigation of the department of
18 public safety may investigate to determine licensee compliance
19 with the requirements of this chapter. Investigations may be
20 conducted either on the criminal investigation division's own
21 initiative or at the request of the department of inspections,
22 and appeals, and licensing. The criminal investigation
23 division and the department of inspections, and appeals, and
24 licensing shall cooperate to the maximum extent possible on an
25 investigation.

26 Sec. 1868. Section 99B.58, Code 2023, is amended to read as
27 follows:

28 **99B.58 Electrical or mechanical amusement devices — special**
29 **fund.**

30 Fees collected by the department pursuant to sections 99B.53
31 and 99B.56 shall be deposited in a special fund created in
32 the state treasury. Moneys in the fund are appropriated to
33 the department of inspections, and appeals, and licensing
34 and the department of public safety for administration and
35 enforcement of this subchapter, including employment of

1 necessary personnel. The distribution of moneys in the fund to
2 the department of inspections, and appeals, and licensing and
3 the department of public safety shall be pursuant to a written
4 policy agreed upon by the departments. Notwithstanding section
5 12C.7, subsection 2, interest or earnings on moneys deposited
6 in the fund shall be credited to the fund. Notwithstanding
7 section 8.33, moneys remaining in the fund at the end of a
8 fiscal year shall not revert to the general fund of the state.

9 Sec. 1869. Section 99D.5, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. A state racing and gaming commission is created within
12 the department of inspections, and appeals, and licensing
13 consisting of five members who shall be appointed by the
14 governor subject to confirmation by the senate, and who shall
15 serve not to exceed a three-year term at the pleasure of the
16 governor. The term of each member shall begin and end as
17 provided in section 69.19.

18 Sec. 1870. Section 99F.4B, Code 2023, is amended to read as
19 follows:

20 **99F.4B Rules.**

21 The department of inspections, and appeals, and licensing
22 shall cooperate to the maximum extent possible with the
23 division of criminal investigation in adopting rules relating
24 to the gaming operations in this chapter and chapters 99D and
25 99E.

26 Sec. 1871. Section 99F.20, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. A gaming regulatory revolving fund is created in
29 the state treasury under the control of the department of
30 inspections, and appeals, and licensing. The fund shall
31 consist of fees collected and deposited into the fund paid
32 by licensees pursuant to section 99D.14, subsection 2,
33 paragraph "c", fees paid by licensees pursuant to section
34 99E.5, subsection 4, paragraph "c", regulatory fees paid by
35 licensees pursuant to section 99F.4, subsection 27, and fees

1 paid by licensees pursuant to section 99F.10, subsection 4,
 2 paragraph "c". All costs relating to racetrack, excursion
 3 boat, gambling structure, internet fantasy sports contests as
 4 defined in section 99E.1, and sports wagering regulation shall
 5 be paid from the fund as provided in appropriations made for
 6 this purpose by the general assembly. The department shall
 7 provide quarterly reports to the department of management and
 8 the legislative services agency specifying revenues billed
 9 and collected and expenditures from the fund in a format as
 10 determined by the department of management in consultation with
 11 the legislative services agency.

12 Sec. 1872. Section 123.3, subsection 23, Code 2023, is
 13 amended to read as follows:

14 23. "Hotel" or "motel" means premises licensed by the
 15 department of inspections, and appeals, and licensing and
 16 regularly or seasonally kept open in a bona fide manner for the
 17 lodging of transient guests, and with twenty or more sleeping
 18 rooms.

19 Sec. 1873. Section 123.10, subsection 15, Code 2023, is
 20 amended to read as follows:

21 15. Prescribing the uniform fee, not to exceed one hundred
 22 dollars, to be assessed against a licensee or permittee for
 23 a contested case hearing conducted by the division or by an
 24 administrative law judge from the department of inspections,
 25 and appeals, and licensing which results in administrative
 26 action taken against the licensee or permittee by the division.

27 Sec. 1874. Section 123.17, subsection 4, Code 2023, is
 28 amended to read as follows:

29 4. The treasurer of state shall, each quarter, prepare
 30 an estimate of the gaming revenues and of the moneys to be
 31 deposited in the beer and liquor control fund that will become
 32 available during the remainder of the appropriate fiscal year
 33 for the purposes described in subsection 3. The department
 34 of management, the department of inspections, and appeals,
 35 and licensing, and the department of commerce shall take

1 appropriate actions to provide that the sum of the amount of
2 gaming revenues available to be deposited into the revenue
3 bonds debt service fund and the revenue bonds federal subsidy
4 holdback fund during a fiscal year and the amount of moneys to
5 be deposited in the beer and liquor control fund available to
6 be deposited into the revenue bonds debt service fund and the
7 revenue bonds federal subsidy holdback fund during such fiscal
8 year will be sufficient to cover any anticipated deficiencies.

9 Sec. 1875. Section 123.30, subsection 1, paragraph b, Code
10 2023, is amended to read as follows:

11 b. As a condition for issuance of a retail alcohol license
12 or wine or beer permit, the applicant must give consent
13 to members of the fire, police, and health departments and
14 the building inspector of cities; the county sheriff or
15 deputy sheriff; members of the department of public safety;
16 representatives of the division and of the department of
17 inspections, and appeals, and licensing; certified police
18 officers; and any official county health officer to enter upon
19 areas of the premises where alcoholic beverages are stored,
20 served, or sold, without a warrant during business hours of
21 the licensee or permittee to inspect for violations of this
22 chapter or ordinances and regulations that cities and boards
23 of supervisors may adopt. However, a subpoena issued under
24 section 421.17 or a warrant is required for inspection of
25 private records, a private business office, or attached living
26 quarters. Persons who are not certified peace officers shall
27 limit the scope of their inspections of licensed premises
28 to the regulatory authority under which the inspection is
29 conducted. All persons who enter upon a licensed premises to
30 conduct an inspection shall present appropriate identification
31 to the owner of the establishment or the person who appears
32 to be in charge of the establishment prior to commencing
33 an inspection; however, this provision does not apply to
34 undercover criminal investigations conducted by peace officers.

35 Sec. 1876. Section 123.32, subsection 6, paragraph b, Code

1 2023, is amended to read as follows:

2 *b.* Upon receipt of an application having been approved by
3 the local authority, the division shall make an investigation
4 as the administrator deems necessary to determine that the
5 applicant complies with all requirements for holding a license,
6 and may require the applicant to appear to be examined under
7 oath to demonstrate that the applicant complies with all of the
8 requirements to hold a license. If the administrator requires
9 the applicant to appear and to testify under oath, a record
10 shall be made of all testimony or evidence and the record
11 shall become a part of the application. The administrator
12 may appoint a member of the division or may request an
13 administrative law judge of the department of inspections, and
14 appeals, and licensing to receive the testimony under oath
15 and evidence, and to issue a proposed decision to approve or
16 disapprove the application for a license. The administrator
17 may affirm, reverse, or modify the proposed decision to
18 approve or disapprove the application for the license. If
19 the application is approved by the administrator, the license
20 shall be issued. If the application is disapproved by the
21 administrator, the applicant shall be so notified by certified
22 mail or personal service and the appropriate local authority
23 shall be notified electronically, or in a manner prescribed by
24 the administrator.

25 Sec. 1877. Section 123.32, subsections 7 and 9, Code 2023,
26 are amended to read as follows:

27 7. *Appeal to administrator.* An applicant for a retail
28 alcohol license may appeal from the local authority's
29 disapproval of an application for a license or permit to the
30 administrator. In the appeal the applicant shall be allowed
31 the opportunity to demonstrate in an evidentiary hearing
32 conducted pursuant to chapter 17A that the applicant complies
33 with all of the requirements for holding the license or permit.
34 The administrator may appoint a member of the division or
35 may request an administrative law judge from the department

1 of inspections, ~~and appeals~~, and licensing to conduct the
2 evidentiary hearing and to render a proposed decision to
3 approve or disapprove the issuance of the license or permit.
4 The administrator may affirm, reverse, or modify the proposed
5 decision. If the administrator determines that the applicant
6 complies with all of the requirements for holding a license
7 or permit, the administrator shall order the issuance of the
8 license or permit. If the administrator determines that the
9 applicant does not comply with the requirements for holding
10 a license or permit, the administrator shall disapprove the
11 issuance of the license or permit.

12 9. *Suspension by local authority.* A retail alcohol licensee
13 whose license has been suspended or revoked or a civil penalty
14 imposed by a local authority for a violation of this chapter
15 or suspended by a local authority for violation of a local
16 ordinance may appeal the suspension, revocation, or civil
17 penalty to the administrator. The administrator may appoint
18 a member of the division or may request an administrative
19 law judge from the department of inspections, ~~and appeals~~,
20 and licensing to hear the appeal which shall be conducted in
21 accordance with chapter 17A and to issue a proposed decision.
22 The administrator may review the proposed decision upon the
23 motion of a party to the appeal or upon the administrator's
24 own motion in accordance with chapter 17A. Upon review of the
25 proposed decision, the administrator may affirm, reverse, or
26 modify the proposed decision. A retail alcohol licensee or a
27 local authority aggrieved by a decision of the administrator
28 may seek judicial review of the decision pursuant to chapter
29 17A.

30 Sec. 1878. Section 123.39, subsection 1, paragraph e, Code
31 2023, is amended to read as follows:

32 e. Before suspension, revocation, or imposition of a
33 civil penalty by the administrator, the license, permit,
34 or certificate holder shall be given written notice and an
35 opportunity for a hearing. The administrator may appoint

1 a member of the division or may request an administrative
2 law judge from the department of inspections, and appeals,
3 and licensing to conduct the hearing and issue a proposed
4 decision. Upon the motion of a party to the hearing or
5 upon the administrator's own motion, the administrator may
6 review the proposed decision in accordance with chapter 17A.
7 Upon review of the proposed decision, the administrator may
8 affirm, reverse, or modify the proposed decision. A license,
9 permit, or certificate holder aggrieved by a decision of the
10 administrator may seek judicial review of the administrator's
11 decision in accordance with chapter 17A.

12 Sec. 1879. Section 125.18, Code 2023, is amended to read as
13 follows:

14 **125.18 Hearing before board.**

15 If a licensee under this chapter makes a written request
16 for a hearing within thirty days of suspension, revocation, or
17 refusal to renew a license, a hearing before the board shall
18 be expeditiously arranged by the department of inspections,
19 and appeals, and licensing whose decision is subject to review
20 by the board. The board shall issue a written statement of
21 the board's findings within thirty days after conclusion of
22 the hearing upholding or reversing the proposed suspension,
23 revocation, or refusal to renew a license. Action involving
24 suspension, revocation, or refusal to renew a license shall
25 not be taken by the board unless a quorum is present at the
26 meeting. A copy of the board's decision shall be promptly
27 transmitted to the affected licensee who may, if aggrieved by
28 the decision, seek judicial review of the actions of the board
29 in accordance with the terms of chapter 17A.

30 Sec. 1880. Section 135.16A, subsection 1, paragraph d, Code
31 2023, is amended to read as follows:

32 *d. "Grocery store" means a food establishment as defined*
33 *in section 137F.1 licensed by the department of inspections,*
34 *and appeals, and licensing pursuant to section 137F.4, to sell*
35 *food or food products to customers intended for preparation or*

1 consumption off premises.

2 Sec. 1881. Section 135.16A, subsection 2, paragraph a, Code
3 2023, is amended to read as follows:

4 a. The department of inspections, and appeals, and licensing
5 shall assist the Iowa department of public health in adopting
6 rules necessary to implement and administer this section.

7 Sec. 1882. Section 135.63, subsection 2, paragraph g,
8 subparagraph (1), subparagraph division (a), Code 2023, is
9 amended to read as follows:

10 (a) The institutional health facility reports to the
11 department the number and type of beds reduced on a form
12 prescribed by the department at least thirty days before the
13 reduction. In the case of a health care facility, the new bed
14 total must be consistent with the number of licensed beds at
15 the facility. In the case of a hospital, the number of beds
16 must be consistent with bed totals reported to the department
17 of inspections, and appeals, and licensing for purposes of
18 licensure and certification.

19 Sec. 1883. Section 135B.1, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. "Department" means the department of inspections, and
22 appeals, and licensing.

23 Sec. 1884. Section 135C.1, subsections 4, 6, and 20, Code
24 2023, are amended to read as follows:

25 4. "Department" means the department of inspections, and
26 appeals, and licensing.

27 6. "Director" means the director of the department of
28 inspections, and appeals, and licensing, or the director's
29 designee.

30 20. "Residential care facility" means any institution,
31 place, building, or agency providing for a period exceeding
32 twenty-four consecutive hours accommodation, board, personal
33 assistance and other essential daily living activities to
34 three or more individuals, not related to the administrator or
35 owner thereof within the third degree of consanguinity, who by

1 reason of illness, disease, or physical or mental infirmity
2 are unable to sufficiently or properly care for themselves but
3 who do not require the services of a registered or licensed
4 practical nurse except on an emergency basis or who by reason
5 of illness, disease, or physical or mental infirmity are unable
6 to sufficiently or properly care for themselves but who do not
7 require the services of a registered or licensed practical
8 nurse except on an emergency basis if home and community-based
9 services, other than nursing care, as defined by this chapter
10 and departmental rule, are provided. For the purposes of
11 this definition, the home and community-based services to be
12 provided are limited to the type included under the medical
13 assistance program provided pursuant to chapter 249A, are
14 subject to cost limitations established by the department of
15 human services under the medical assistance program, and except
16 as otherwise provided by the department of inspections, and
17 appeals, and licensing with the concurrence of the department
18 of human services, are limited in capacity to the number of
19 licensed residential care facilities and the number of licensed
20 residential care facility beds in the state as of December 1,
21 2003.

22 Sec. 1885. Section 135C.4, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. For the purposes of this section, the home and
25 community-based services to be provided shall be limited to the
26 type included under the medical assistance program provided
27 pursuant to chapter 249A, shall be subject to cost limitations
28 established by the department of human services under the
29 medical assistance program, and except as otherwise provided by
30 the department of inspections, and appeals, and licensing with
31 the concurrence of the department of human services, shall be
32 limited in capacity to the number of licensed residential care
33 facilities and the number of licensed residential care facility
34 beds in the state as of December 1, 2003.

35 Sec. 1886. Section 135C.19, subsection 3, Code 2023, is

1 amended to read as follows:

2 3. If the facility cited subsequently advises the
3 department of human services that the violation has been
4 corrected to the satisfaction of the department of inspections,
5 and appeals, and licensing, the department of human services
6 shall maintain this advisory in the same file with the copy
7 of the citation. The department of human services shall
8 not disseminate to the public any information regarding
9 citations issued by the department of inspections, and appeals,
10 and licensing, but shall forward or refer inquiries to the
11 department of inspections, and appeals, and licensing.

12 Sec. 1887. Section 135C.31A, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. A health care facility shall assist the Iowa department
15 of veterans affairs in identifying, upon admission of a
16 resident, the resident's eligibility for benefits through the
17 United States department of veterans affairs. The department
18 of inspections, and appeals, and licensing, in cooperation
19 with the department of human services, shall adopt rules to
20 administer this section, including a provision that ensures
21 that if a resident is eligible for benefits through the United
22 States department of veterans affairs or other third-party
23 payor, the payor of last resort for reimbursement to the
24 health care facility is the medical assistance program.
25 The rules shall also require the health care facility to
26 request information from a resident or resident's personal
27 representative regarding the resident's veteran status and to
28 report to the Iowa department of veterans affairs only the
29 names of residents identified as potential veterans along with
30 the names of their spouses and any dependents. Information
31 reported by the health care facility shall be verified by the
32 Iowa department of veterans affairs. This section shall not
33 apply to the admission of an individual to a state mental
34 health institute for acute psychiatric care or to the admission
35 of an individual to the Iowa veterans home.

1 Sec. 1888. Section 135C.31A, subsection 2, paragraph b,
2 Code 2023, is amended to read as follows:

3 **b.** The department of inspections, and appeals, and
4 licensing, the department of veterans affairs, and the
5 department of human services shall identify any barriers
6 to residents in accessing such prescription drug benefits
7 and shall assist health care facilities in adjusting their
8 procedures for medication administration to comply with this
9 subsection.

10 Sec. 1889. Section 135C.33, subsection 7, paragraph a, Code
11 2023, is amended to read as follows:

12 **a.** The department of inspections, and appeals, and
13 licensing, in conjunction with other departments and agencies
14 of state government involved with criminal history and
15 abuse registry information, shall establish a single contact
16 repository for facilities and other providers to have
17 electronic access to data to perform background checks for
18 purposes of employment, as required of the facilities and other
19 providers under this section.

20 Sec. 1890. Section 135C.34, Code 2023, is amended to read
21 as follows:

22 **135C.34 Medication aide — certification.**

23 The department of inspections, and appeals, and licensing,
24 in cooperation with other appropriate agencies, shall establish
25 a procedure to allow a person who is certified as a medication
26 aide in another state to become certified in this state upon
27 completion and passage of both the certified nurse aide and
28 certified medication aide challenge examinations, without
29 additional requirements for certification, including but
30 not limited to, required employment in this state prior to
31 certification. The department shall adopt rules pursuant to
32 chapter 17A to administer this section.

33 Sec. 1891. Section 135G.1, subsection 2, Code 2023, is
34 amended to read as follows:

35 **2.** “*Department*” means the department of inspections, and

1 appeals, and licensing.

2 Sec. 1892. Section 135G.10, subsection 1, unnumbered
3 paragraph 1, Code 2023, is amended to read as follows:

4 The department of inspections, and appeals, and licensing
5 and the department of human services shall collaborate
6 in establishing standards for licensing of subacute care
7 facilities to achieve all of the following objectives:

8 Sec. 1893. Section 135G.10, subsection 3, Code 2023, is
9 amended to read as follows:

10 3. The department of inspections, and appeals, and
11 licensing, in consultation with the department of human
12 services and affected professional groups, shall adopt and
13 enforce rules setting out the standards for a subacute care
14 facility and the rights of the residents admitted to a subacute
15 care facility. The department of inspections, and appeals, and
16 licensing and the department of human services shall coordinate
17 the adoption of rules and the enforcement of the rules in order
18 to prevent duplication of effort by the departments and of
19 requirements of the licensee.

20 Sec. 1894. Section 135G.11, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Upon receipt of a complaint made in accordance with
23 subsection 1, the department shall make a preliminary review
24 of the complaint. Unless the department concludes that the
25 complaint is intended to harass a subacute care facility or
26 a licensee or is without reasonable basis, it shall within
27 twenty working days of receipt of the complaint make or cause
28 to be made an on-site inspection of the subacute care facility
29 which is the subject of the complaint. The department of
30 inspections, and appeals, and licensing may refer to the
31 department of human services any complaint received by the
32 department of inspections, and appeals, and licensing if the
33 complaint applies to rules adopted by the department of human
34 services. The complainant shall also be notified of the name,
35 address, and telephone number of the designated protection and

1 advocacy agency if the alleged violation involves a facility
2 with one or more residents with a developmental disability or
3 mental illness. In any case, the complainant shall be promptly
4 informed of the result of any action taken by the department
5 in the matter.

6 Sec. 1895. Section 135H.1, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. "*Department*" means the department of inspections, and
9 appeals, and licensing.

10 Sec. 1896. Section 135H.10, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. The department ~~of inspections and appeals~~, in
13 consultation with the department of human services and affected
14 professional groups, shall adopt and enforce rules setting
15 out the standards for a psychiatric medical institution
16 for children and the rights of the residents admitted to a
17 psychiatric institution. The department ~~of inspections and~~
18 ~~appeals~~ and the department of human services shall coordinate
19 the adoption of rules and the enforcement of the rules in order
20 to prevent duplication of effort by the departments and of
21 requirements of the licensee.

22 Sec. 1897. Section 135H.12, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. Upon receipt of a complaint made in accordance with
25 section 135H.11, the department shall make a preliminary review
26 of the complaint. Unless the department concludes that the
27 complaint is intended to harass a psychiatric institution or a
28 licensee or is without reasonable basis, it shall within twenty
29 working days of receipt of the complaint make or cause to be
30 made an on-site inspection of the psychiatric institution which
31 is the subject of the complaint. The department ~~of inspections~~
32 ~~and appeals~~ may refer to the department of human services any
33 complaint received by the department if the complaint applies
34 to rules adopted by the department of human services. The
35 complainant shall also be notified of the name, address, and

1 telephone number of the designated protection and advocacy
2 agency if the alleged violation involves a facility with one
3 or more residents with developmental disabilities or mental
4 illness. In any case, the complainant shall be promptly
5 informed of the result of any action taken by the department
6 in the matter.

7 Sec. 1898. Section 135J.1, subsection 3, Code 2023, is
8 amended to read as follows:

9 3. "*Department*" means the department of inspections, and
10 appeals, and licensing.

11 Sec. 1899. Section 135J.2, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. The hospice program shall meet the criteria pursuant
14 to section 135J.3 before a license is issued. The department
15 ~~of inspections and appeals~~ is responsible to provide the
16 necessary personnel to inspect the hospice program, the home
17 care and inpatient care provided and the hospital or facility
18 used by the hospice to determine if the hospice complies with
19 necessary standards before a license is issued. Hospices that
20 are certified as Medicare hospice providers by the department
21 ~~of inspections and appeals~~ or are accredited as hospices by
22 the joint commission on the accreditation of health care
23 organizations, shall be licensed without inspection by the
24 department ~~of inspections and appeals~~.

25 Sec. 1900. Section 135J.4, Code 2023, is amended to read as
26 follows:

27 **135J.4 Inspection.**

28 The department ~~of inspections and appeals~~ shall make or be
29 responsible for inspections of the hospice program, the home
30 care and the inpatient care provided in the hospice program,
31 and the hospital or facility before a license is issued. The
32 department ~~of inspections and appeals~~ shall inspect the hospice
33 program periodically after initial inspection.

34 Sec. 1901. Section 135O.1, subsections 1 and 2, Code 2023,
35 are amended to read as follows:

1 1. "*Boarding home*" means a premises used by its owner
 2 or lessee for the purpose of letting rooms for rental to
 3 three or more persons not related within the third degree of
 4 consanguinity to the owner or lessee where supervision or
 5 assistance with activities of daily living is provided to such
 6 persons. A boarding home does not include a facility, home,
 7 or program otherwise subject to licensure or regulation by the
 8 department of health and human services, or the department of
 9 ~~inspections and appeals, or department of public health.~~

10 2. "*Department*" means the department of inspections, and
 11 appeals, and licensing.

12 Sec. 1902. Section 1350.2, subsection 2, Code 2023, is
 13 amended to read as follows:

14 2. The department ~~of inspections and appeals~~ shall adopt
 15 rules to administer this chapter in consultation with the
 16 departments of human services and public safety.

17 Sec. 1903. Section 1350.3, subsection 2, paragraph a, Code
 18 2023, is amended to read as follows:

19 a. The interagency approach may involve a multidisciplinary
 20 team consisting of employees of the department ~~of inspections~~
 21 ~~and appeals~~, the department of human services, ~~the state fire~~
 22 ~~marshal~~, and the division of criminal investigation of the
 23 department of public safety, or other local, state, and federal
 24 agencies.

25 Sec. 1904. Section 1350.3, subsection 4, Code 2023, is
 26 amended to read as follows:

27 4. If the department or a multidisciplinary team has
 28 probable cause to believe that a boarding home is in violation
 29 of this chapter or licensing or other regulatory requirements
 30 of the department of human services, ~~department of inspections~~
 31 ~~and appeals~~, or department of public health, or that dependent
 32 adult abuse of any individual living in a boarding home
 33 has occurred, and upon producing proper identification, is
 34 denied entry to the boarding home or access to any individual
 35 living in the boarding home for the purpose of making an

1 inspection or conducting an investigation, the department or
2 multidisciplinary team may, with the assistance of the county
3 attorney of the county in which the boarding home is located,
4 apply to the district court for an order requiring the owner or
5 lessee to permit entry to the boarding home and access to the
6 individuals living in the boarding home.

7 Sec. 1905. Section 135Q.1, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. "*Department*" means the department of inspections, and
10 appeals, and licensing.

11 Sec. 1906. Section 137C.2, subsections 2 and 3, Code 2023,
12 are amended to read as follows:

13 2. "*Director*" means the director of the department of
14 inspections, and appeals, and licensing or the director's
15 designee.

16 3. "*Department*" means the department of inspections, and
17 appeals, and licensing.

18 Sec. 1907. Section 137D.1, subsection 1, Code 2023, is
19 amended to read as follows:

20 1. "*Department*" means the department of inspections, and
21 appeals, and licensing.

22 Sec. 1908. Section 137F.1, subsections 4 and 5, Code 2023,
23 are amended to read as follows:

24 4. "*Department*" means the department of inspections, and
25 appeals, and licensing.

26 5. "*Director*" means the director of the department of
27 inspections, and appeals, and licensing.

28 Sec. 1909. Section 137F.3A, Code 2023, is amended to read
29 as follows:

30 **137F.3A Municipal corporation inspections — contingent**
31 **appropriation.**

32 1. *a.* The department of ~~inspections and appeals~~ may employ
33 additional full-time equivalent positions to enforce the
34 provisions of this chapter and chapters 137C and 137D, with
35 the approval of the department of management, if either of the

1 following apply:

2 (1) A municipal corporation operating pursuant to a chapter
3 28E agreement with the department ~~of inspections and appeals~~
4 to enforce the chapters either fails to renew the agreement
5 effective after April 1, 2007, or discontinues, after April
6 1, 2007, enforcement activities in one or more jurisdictions
7 during the agreement time frame.

8 (2) The department ~~of inspections and appeals~~ cancels an
9 agreement after April 1, 2007, due to noncompliance with the
10 terms of the agreement.

11 b. Before approval may be given, the director of the
12 department of management must have determined that the expenses
13 exceed the funds budgeted by the general assembly for food
14 inspections to the department ~~of inspections and appeals~~. The
15 department ~~of inspections and appeals~~ may hire no more than one
16 full-time equivalent position for each six hundred inspections
17 required pursuant to this chapter and chapters 137C and 137D.

18 2. Notwithstanding chapter 137D, and sections 137C.9 and
19 137F.6, if the conditions described in this section are met,
20 fees imposed pursuant to that chapter and those sections
21 shall be retained by and are appropriated to the department
22 ~~of inspections and appeals~~ each fiscal year to provide for
23 salaries, support, maintenance, and miscellaneous purposes
24 associated with the additional inspections. The appropriation
25 made in this subsection is not applicable in a fiscal year for
26 which the general assembly enacts an appropriation made for the
27 purposes described in this subsection.

28 Sec. 1910. Section 147.77, subsection 1, paragraph g,
29 unnumbered paragraph 1, Code 2023, is amended to read as
30 follows:

31 The department of inspections, and appeals, and licensing,
32 with respect to rules relating to the following:

33 Sec. 1911. Section 147.77, subsection 1, paragraph g, Code
34 2023, is amended by adding the following new subparagraphs:

35 NEW SUBPARAGRAPH. (6) For applications for a license to

1 practice asbestos removal, that except as noted in rule, only
2 worker and contractor/supervisor license applicants must submit
3 the respiratory protection and physician's certification forms.

4 NEW SUBPARAGRAPH. (7) For documentation held by persons
5 licensed for asbestos abatement in an area that is subject to
6 a disaster emergency proclamation, that the director of the
7 department of inspections, appeals, and licensing deems an
8 individual contractor, supervisor, or worker to be licensed
9 and authorized for asbestos abatement if the individual, in
10 addition to other specified conditions, makes immediately
11 available on the work site a copy of a physician's statement
12 indicating that, consistent with federal law, a licensed
13 physician has examined the individual within the past twelve
14 months and approved the individual to work while wearing a
15 respirator.

16 NEW SUBPARAGRAPH. (8) That the contents of an application
17 for an event license for a covered athletic event other than a
18 professional wrestling event shall contain, along with other
19 requirements, a copy of the medical license of the ringside
20 physician and the date, time, and location of the ringside
21 physician's examination of the contestants.

22 NEW SUBPARAGRAPH. (9) For the responsibilities of the
23 promoter of an athletic event, that the promoter submit test
24 results to the ringside physician no later than at the time of
25 the physical showing that each contestant scheduled for the
26 event tested negative for the human immunodeficiency, hepatitis
27 B, and hepatitis C viruses within the one-year period prior to
28 the event, and that the contestant shall not participate and
29 the physician shall notify the promoter that the contestant is
30 prohibited from participating for medical reasons if specified
31 circumstances occur.

32 NEW SUBPARAGRAPH. (10) For injuries during a professional
33 boxing match, that if a contestant claims to be injured during
34 the bout, the referee shall stop the bout and request the
35 attending physician to make an examination. If the physician

1 decides that the contestant has been injured as the result of a
2 foul, the physician shall advise the referee of the injury. If
3 the physician is of the opinion that the injured contestant may
4 be able to continue, the physician shall order an intermission,
5 after which the physician shall make another examination and
6 again advise the referee of the injured contestant's condition.
7 It shall be the duty of the promoter to have an approved
8 physician in attendance during the entire duration of all
9 bouts.

10 NEW SUBPARAGRAPH. (11) For persons allowed in a ring during
11 a professional boxing match, that no person other than the
12 contestants and the referee shall enter the ring during the
13 bout, excepting the seconds between the rounds or the attending
14 physician if asked by the referee to examine an injury to a
15 contestant.

16 NEW SUBPARAGRAPH. (12) For the weighing of contestants in
17 a professional boxing match, that contestants shall be weighed
18 and examined on the day of the scheduled match by the attending
19 ring physician at a time and place to be determined by the
20 state commissioner of athletics.

21 NEW SUBPARAGRAPH. (13) For attending ring physicians
22 during a professional boxing match, that when a boxer has been
23 injured seriously, knocked out, or technically knocked out, the
24 referee shall immediately summon the attending ring physician
25 to aid the stricken boxer, and that managers, handlers, and
26 seconds shall not attend to the stricken boxer, except at the
27 request of the physician.

28 NEW SUBPARAGRAPH. (14) For the keeping of time during a
29 professional boxing match, that the timekeeper shall keep an
30 exact record of time taken out at the request of a referee for
31 an examination of a contestant by the physician.

32 NEW SUBPARAGRAPH. (15) For the suspension of contestants
33 during a professional boxing match that is an elimination
34 tournament, that a contestant who for specified reasons is not
35 permitted to box in the state for a period of time shall be

1 examined by a physician approved by the state commissioner of
2 athletics before being permitted to fight again.

3 NEW SUBPARAGRAPH. (16) For the designation of officials for
4 professional kickboxing, that the designation of physicians is
5 subject to the approval of the state commissioner of athletics
6 or designee.

7 NEW SUBPARAGRAPH. (17) For officials for a mixed martial
8 arts event, that officials shall include a physician.

9 NEW SUBPARAGRAPH. (18) For the keeping of time for a mixed
10 martial arts event, that the timekeeper shall keep an exact
11 record of time taken out at the request of a referee for an
12 examination of a contestant by the physician.

13 NEW SUBPARAGRAPH. (19) For persons allowed in the cage
14 during a mixed martial arts event, that a physician may enter
15 the cage to examine a contestant upon the request of the
16 referee.

17 NEW SUBPARAGRAPH. (20) For the decorum of persons involved
18 in a mixed martial arts event, that a contestant is exempt
19 from prohibitions on specified conduct while interacting with
20 the contestant's opponent during a round, but if the round
21 is stopped by the physician or referee for a time out, the
22 prohibitions shall apply to the contestant.

23 NEW SUBPARAGRAPH. (21) For the examination of contestants
24 in a mixed martial arts event, that on the day of the event,
25 at a time and place to be approved by the state commissioner
26 of athletics, the ringside physician shall conduct a rigorous
27 physical examination to determine the contestant's fitness
28 to participate in a mixed martial arts match, and that
29 a contestant deemed not fit by the physician shall not
30 participate in the event.

31 NEW SUBPARAGRAPH. (22) For injuries during a mixed martial
32 arts event, that if a contestant claims to be injured or
33 when a contestant has been injured seriously or knocked out,
34 the referee shall immediately stop the fight and summon the
35 attending ring physician to make an examination of the stricken

1 fighter. If the physician decides that the contestant has
2 been injured, the physician shall advise the referee of the
3 severity of the injury. If the physician is of the opinion the
4 injured contestant may be able to continue, the physician shall
5 order an intermission, after which the physician shall make
6 another examination and again advise the referee of the injured
7 contestant's condition. Managers, handlers, and seconds shall
8 not attend to the stricken fighter, except at the request of
9 the physician.

10 Sec. 1912. Section 147.77, subsection 1, paragraph p,
11 unnumbered paragraph 1, Code 2023, is amended to read as
12 follows:

13 The labor services division of the department of ~~workforce~~
14 ~~development~~ inspections, appeals, and licensing, with respect
15 to rules relating to the following:

16 Sec. 1913. Section 147.77, subsection 1, paragraph p,
17 subparagraphs (3) through (19), Code 2023, are amended by
18 striking the subparagraphs.

19 Sec. 1914. Section 147.87, Code 2023, is amended to read as
20 follows:

21 **147.87 Enforcement.**

22 A board shall enforce the provisions of this chapter and the
23 board's enabling statute and for that purpose may request the
24 department of inspections, and appeals, and licensing to make
25 necessary investigations. Every licensee and member of a board
26 shall furnish the board or the department of inspections, and
27 appeals, and licensing such evidence as the member or licensee
28 may have relative to any alleged violation which is being
29 investigated.

30 Sec. 1915. Section 147.88, Code 2023, is amended to read as
31 follows:

32 **147.88 Inspections and investigations.**

33 The department of inspections, and appeals, and licensing
34 may perform inspections and investigations as required by this
35 subtitle, except inspections and investigations for the board

1 of medicine, board of pharmacy, board of nursing, and the
2 dental board. The department of inspections, and appeals, and
3 licensing shall employ personnel related to the inspection and
4 investigative functions.

5 Sec. 1916. Section 155A.13, subsection 4, paragraph b, Code
6 2023, is amended to read as follows:

7 b. To the maximum extent possible, the board shall
8 coordinate the rules with the standards and conditions
9 described in paragraph "a", subparagraph (4), and shall
10 coordinate its inspections of hospital pharmacies with the
11 Medicare surveys of the department of inspections, and appeals,
12 and licensing and with the board's inspections with respect to
13 controlled substances conducted under contract with the federal
14 government.

15 Sec. 1917. Section 155A.15, subsection 2, paragraph d,
16 subparagraph (5), Code 2023, is amended to read as follows:

17 (5) A licensed health care facility which is furnished
18 the drug or device by a pharmacy for storage in secured
19 emergency pharmaceutical supplies containers maintained within
20 the facility in accordance with rules of the department of
21 inspections, and appeals, and licensing and rules of the board.

22 Sec. 1918. Section 169.14, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. The board, upon its own motion or upon a verified
25 complaint in writing, may request the department of
26 inspections, and appeals, and licensing to conduct an
27 investigation of the charges contained in the complaint. The
28 department of inspections, and appeals, and licensing shall
29 report its findings to the board, and the board may issue an
30 order fixing the time and place for hearing if a hearing is
31 deemed warranted. A written notice of the time and place of
32 the hearing, together with a statement of the charges, shall
33 be served upon the licensee at least ten days before the
34 hearing in the manner required for the service of notice of the
35 commencement of an ordinary action.

1 Sec. 1919. Section 190B.102, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. The department of agriculture and land stewardship, the
4 department of public health, the department of human services,
5 and the department of inspections, and appeals, and licensing
6 shall cooperate with the department of revenue to administer
7 this subchapter.

8 Sec. 1920. Section 217.34, Code 2023, is amended to read as
9 follows:

10 **217.34 Debt setoff.**

11 The investigations division of the department of
12 inspections, and appeals, and licensing and the department of
13 human services shall provide assistance to set off against a
14 person's or provider's income tax refund or rebate any debt
15 which has accrued through written contract, nonpayment of
16 premiums pursuant to section 249A.3, subsection 2, paragraph
17 "a", subparagraph (1), subrogation, departmental recoupment
18 procedures, or court judgment and which is in the form of a
19 liquidated sum due and owing the department of human services.
20 The department of inspections, and appeals, and licensing,
21 with approval of the department of human services, shall adopt
22 rules under chapter 17A necessary to assist the department of
23 administrative services in the implementation of the setoff
24 under section 8A.504 in regard to money owed to the state for
25 public assistance overpayments or nonpayment of premiums as
26 specified in this section. The department of human services
27 shall adopt rules under chapter 17A necessary to assist the
28 department of administrative services in the implementation of
29 the setoff under section 8A.504, in regard to collections by
30 the child support recovery unit and the foster care recovery
31 unit.

32 Sec. 1921. Section 217.35, unnumbered paragraph 1, Code
33 2023, is amended to read as follows:

34 Notwithstanding the requirement for deposit of recovered
35 moneys under section 239B.14, recovered moneys generated

1 through fraud and recoupment activities are appropriated to
2 the department of human services to be used for additional
3 fraud and recoupment activities performed by the department of
4 human services or the department of inspections, and appeals,
5 and licensing. The department of human services may use
6 the recovered moneys appropriated to add not more than five
7 full-time equivalent positions, in addition to those funded
8 by annual appropriations. The appropriation of the recovered
9 moneys is subject to both of the following conditions:

10 Sec. 1922. Section 225C.4, subsection 1, paragraphs t and u,
11 Code 2023, are amended to read as follows:

12 t. In cooperation with the department of inspections, and
13 appeals, and licensing, recommend minimum standards under
14 section 227.4 for the care of and services to persons with
15 mental illness or an intellectual disability residing in county
16 care facilities. The administrator shall also cooperate with
17 the department of inspections, and appeals, and licensing
18 in recommending minimum standards for care of and services
19 provided to persons with mental illness or an intellectual
20 disability living in a residential care facility regulated
21 under chapter 135C.

22 u. In cooperation with the Iowa department of public health,
23 recommend minimum standards for the maintenance and operation
24 of public or private facilities offering disability services,
25 which are not subject to licensure by the department or the
26 department of inspections, and appeals, and licensing.

27 Sec. 1923. Section 225C.6, subsection 1, paragraph e, Code
28 2023, is amended to read as follows:

29 e. Unless another governmental body sets standards for a
30 service available to persons with disabilities, adopt state
31 standards for that service. The commission shall review the
32 licensing standards used by the department of human services or
33 department of inspections, and appeals, and licensing for those
34 facilities providing disability services.

35 Sec. 1924. Section 225C.6, subsection 4, paragraph a, Code

1 2023, is amended to read as follows:

2 a. The department shall coordinate with the department of
3 inspections, and appeals, and licensing in the establishment
4 of facility-based and community-based, subacute mental health
5 services.

6 Sec. 1925. Section 227.4, Code 2023, is amended to read as
7 follows:

8 **227.4 Standards for care of persons with mental illness or an**
9 **intellectual disability in county care facilities.**

10 The administrator, in cooperation with the department of
11 inspections, and appeals, and licensing, shall recommend
12 and the mental health and disability services commission
13 created in section 225C.5 shall adopt, or amend and adopt,
14 standards for the care of and services to persons with mental
15 illness or an intellectual disability residing in county care
16 facilities. The standards shall be enforced by the department
17 of inspections, and appeals, and licensing as a part of the
18 licensure inspection conducted pursuant to chapter 135C. The
19 objective of the standards is to ensure that persons with
20 mental illness or an intellectual disability who are residents
21 of county care facilities are not only adequately fed, clothed,
22 and housed, but are also offered reasonable opportunities for
23 productive work and recreational activities suited to their
24 physical and mental abilities and offering both a constructive
25 outlet for their energies and, if possible, therapeutic
26 benefit. When recommending standards under this section,
27 the administrator shall designate an advisory committee
28 representing administrators of county care facilities, regional
29 administrators, mental health and disability services region
30 governing boards, and county care facility certified volunteer
31 long-term care ombudsmen to assist in the establishment of
32 standards.

33 Sec. 1926. Section 231.42, subsections 4 and 10, Code 2023,
34 are amended to read as follows:

35 4. *Referrals of abuse, neglect, or exploitation.*

1 a. If abuse, neglect, or exploitation of a resident or
 2 tenant is suspected, the state or a local long-term care
 3 ombudsman shall, with the permission of the resident or tenant
 4 as applicable under federal law, make an immediate referral to
 5 the department of inspections, and appeals, and licensing, the
 6 department of human services, the department on aging, or the
 7 appropriate law enforcement agency, as applicable.

8 b. If the department of inspections, and appeals, and
 9 licensing responds to a complaint referred by the state or
 10 a local long-term care ombudsman against a long-term care
 11 facility, assisted living program, elder group home, or an
 12 employee of such entity, copies of related inspection reports,
 13 plans of correction, and notice of any citations and sanctions
 14 levied against the facility, program, or home shall be
 15 forwarded to the office of long-term care ombudsman.

16 10. *Change in operations.* A long-term care facility,
 17 assisted living program, or elder group home shall inform the
 18 office of long-term care ombudsman in writing at least thirty
 19 days prior to any change in operations, programs, services,
 20 licensure, or certification that affects residents or tenants,
 21 including but not limited to the intention to close, decertify,
 22 or change ownership. In an emergency situation, or when a
 23 long-term care facility, assisted living program, or elder
 24 group home is evacuated, the department of inspections, and
 25 appeals, and licensing shall notify the office of long-term
 26 care ombudsman.

27 Sec. 1927. Section 231.58, Code 2023, is amended to read as
 28 follows:

29 **231.58 Long-term living coordination.**

30 The director may convene meetings, as necessary, of the
 31 director and the directors of human services, public health,
 32 and inspections, and appeals, and licensing, to assist in
 33 the coordination of policy, service delivery, and long-range
 34 planning relating to the long-term living system and older
 35 Iowans in the state. The group may consult with individuals,

1 institutions and entities with expertise in the area of the
2 long-term living system and older Iowans, as necessary, to
3 facilitate the group's efforts.

4 Sec. 1928. Section 231B.1, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. "*Department*" means the department of inspections, and
7 appeals, and licensing or the department's designee.

8 Sec. 1929. Section 231C.2, subsection 4, Code 2023, is
9 amended to read as follows:

10 4. "*Department*" means the department of inspections, and
11 appeals, and licensing or the department's designee.

12 Sec. 1930. Section 231C.5A, Code 2023, is amended to read
13 as follows:

14 **231C.5A Assessment of tenants — program eligibility.**

15 An assisted living program receiving reimbursement through
16 the medical assistance program under chapter 249A shall
17 assist the department of veterans affairs in identifying, upon
18 admission of a tenant, the tenant's eligibility for benefits
19 through the United States department of veterans affairs. The
20 assisted living program shall also assist the commission of
21 veterans affairs in determining such eligibility for tenants
22 residing in the program on July 1, 2009. The department
23 of inspections, and appeals, and licensing, in cooperation
24 with the department of human services, shall adopt rules to
25 administer this section, including a provision that ensures
26 that if a tenant is eligible for benefits through the United
27 States department of veterans affairs or other third-party
28 payor, the payor of last resort for reimbursement to the
29 assisted living program is the medical assistance program.
30 The rules shall also require the assisted living program
31 to request information from a tenant or tenant's personal
32 representative regarding the tenant's veteran status and to
33 report to the department of veterans affairs only the names of
34 tenants identified as potential veterans along with the names
35 of their spouses and any dependents. Information reported by

1 the assisted living program shall be verified by the department
2 of veterans affairs.

3 Sec. 1931. Section 231D.1, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. "*Department*" means the department of inspections, and
6 appeals, and licensing.

7 Sec. 1932. Section 232.142, subsection 5, Code 2023, is
8 amended to read as follows:

9 5. The director, the director of the department of human
10 rights, or a designee of the director of the department of
11 human rights shall approve annually all such homes established
12 and maintained under the provisions of this chapter. A home
13 shall not be approved unless it complies with minimal rules and
14 standards adopted by the director and has been inspected by the
15 department of inspections, and appeals, and licensing. The
16 statewide number of beds in the homes approved by the director
17 shall not exceed two hundred seventy-two beds beginning July 1,
18 2017. This subsection is repealed July 1, 2023.

19 Sec. 1933. Section 234.12, subsection 3, Code 2023, is
20 amended to read as follows:

21 3. Upon request by the department of human services, the
22 department of inspections, and appeals, and licensing shall
23 conduct investigations into possible fraudulent practices,
24 as described in section 234.13, relating to food programs
25 administered by the department of human services.

26 Sec. 1934. Section 235.5, Code 2023, is amended to read as
27 follows:

28 **235.5 Inspections.**

29 The department of inspections, and appeals, and licensing
30 shall conduct inspections of private institutions for the care
31 of dependent, neglected, and delinquent children in accordance
32 with procedures established pursuant to chapters 10A and 17A.

33 Sec. 1935. Section 235A.15, subsection 2, paragraph e,
34 subparagraph (17), Code 2023, is amended to read as follows:

35 (17) To the department of inspections, and appeals, and

1 licensing for purposes of record checks of applicants for
2 employment with the department of inspections, and appeals, and
3 licensing.

4 Sec. 1936. Section 235A.16, subsection 2, paragraph b, Code
5 2023, is amended to read as follows:

6 b. The department of inspections, and appeals, and licensing
7 may provide access to the single contact repository established
8 under section 135C.33, subsection 7, for criminal and abuse
9 history checks made by those employers, agencies, and other
10 persons that are authorized access to child abuse information
11 under section 235A.15 and are required by law to perform such
12 checks.

13 Sec. 1937. Section 235B.1, subsection 4, paragraph a,
14 subparagraph (1), Code 2023, is amended to read as follows:

15 (1) Advise the director of human services, the director
16 of the department on aging, the director of inspections, and
17 appeals, and licensing, the director of public health, the
18 director of the department of corrections, and the director of
19 human rights regarding dependent adult abuse.

20 Sec. 1938. Section 235B.1, subsection 4, paragraph b,
21 subparagraph (1), Code 2023, is amended to read as follows:

22 (1) The advisory council shall consist of twelve members.
23 Eight members shall be appointed by and serve at the pleasure
24 of the governor. Four of the members appointed shall be
25 appointed on the basis of knowledge and skill related to
26 expertise in the area of dependent adult abuse including
27 professionals practicing in the disciplines of medicine, public
28 health, mental health, long-term care, social work, law,
29 and law enforcement. Two of the members appointed shall be
30 members of the general public with an interest in the area of
31 dependent adult abuse and two of the members appointed shall
32 be members of the Iowa caregivers association. In addition,
33 the membership of the council shall include the director or the
34 director's designee of the department of human services, the
35 department on aging, the Iowa department of public health, and

1 the department of inspections, ~~and appeals,~~ and licensing.

2 Sec. 1939. Section 235B.3, subsection 1, paragraph a,
3 subparagraphs (2), (3), and (4), Code 2023, are amended to read
4 as follows:

5 (2) However, the department of inspections, ~~and appeals,~~
6 and licensing is solely responsible for the evaluation and
7 disposition of dependent adult abuse cases within facilities
8 and programs pursuant to chapter 235E and shall inform
9 the department of human services of such evaluations and
10 dispositions pursuant to section 235E.2.

11 (3) If, in the course of an assessment or evaluation
12 of a report of dependent adult abuse, the department of
13 human services ~~or the department of inspections and appeals~~
14 determines the case involves wages, workplace safety, or
15 other labor and employment matters under the jurisdiction of
16 the department of inspections, appeals, and licensing or the
17 division of labor services of the department of workforce
18 development inspections, appeals, and licensing, the relevant
19 portions of the case shall be referred to the department
20 of inspections, appeals, and licensing or the division, as
21 applicable.

22 (4) If, in the course of an assessment or evaluation of
23 a report of dependent adult abuse, the department of human
24 services or the department of inspections, ~~and appeals,~~ and
25 licensing determines that the case involves discrimination
26 under the jurisdiction of the civil rights commission,
27 the relevant portions of the case shall be referred to the
28 commission.

29 Sec. 1940. Section 235B.3, subsection 10, paragraph a, Code
30 2023, is amended to read as follows:

31 a. If, upon completion of the evaluation or upon referral
32 from the department of inspections, ~~and appeals,~~ and
33 licensing, the department determines that the best interests
34 of the dependent adult require court action, the department
35 shall initiate action for the appointment of a guardian or

1 conservator or for admission or commitment to an appropriate
2 institution or facility pursuant to the applicable procedures
3 under chapter 125, 222, 229, or 633, or shall pursue other
4 remedies provided by law. The appropriate county attorney
5 shall assist the department in the preparation of the necessary
6 papers to initiate the action and shall appear and represent
7 the department at all district court proceedings.

8 Sec. 1941. Section 235B.3, subsection 14, Code 2023, is
9 amended to read as follows:

10 14. The department of inspections, and appeals, and
11 licensing shall adopt rules which require facilities or
12 programs to separate an alleged dependent adult abuser from a
13 victim following an allegation of perpetration of abuse and
14 prior to the completion of an investigation of the allegation.

15 Sec. 1942. Section 235B.5, subsection 5, Code 2023, is
16 amended to read as follows:

17 5. An oral report of suspected dependent adult abuse
18 initially made to the central registry regarding a facility or
19 program as defined in section 235E.1 shall be transmitted by
20 the department to the department of inspections, and appeals,
21 and licensing on the first working day following the submitting
22 of the report.

23 Sec. 1943. Section 235B.6, subsection 2, paragraph e,
24 subparagraph (9), Code 2023, is amended to read as follows:

25 (9) The department of inspections, and appeals, and
26 licensing for purposes of record checks of applicants for
27 employment with the department of inspections, and appeals, and
28 licensing.

29 Sec. 1944. Section 235B.7, subsection 2, paragraph b, Code
30 2023, is amended to read as follows:

31 b. The department of inspections, and appeals, and licensing
32 may provide access to the single contact repository established
33 under section 135C.33, subsection 7, for criminal and abuse
34 history checks made by those employers, agencies, and other
35 persons that are authorized access to dependent adult abuse

1 information under section 235B.6 and are required by law to
2 perform such checks.

3 Sec. 1945. Section 235B.16, subsections 2 and 4, Code 2023,
4 are amended to read as follows:

5 2. The department, in cooperation with the department
6 on aging and the department of inspections, and appeals, and
7 licensing, shall institute a program of education and training
8 for persons, including members of provider groups and family
9 members, who may come in contact with dependent adult abuse.
10 The program shall include but is not limited to instruction
11 regarding recognition of dependent adult abuse and the
12 procedure for the reporting of suspected abuse.

13 4. The department of inspections, and appeals, and
14 licensing shall provide training to investigators regarding
15 the collection and preservation of evidence in the case of
16 suspected dependent adult abuse.

17 Sec. 1946. Section 235B.16A, subsection 4, Code 2023, is
18 amended to read as follows:

19 4. The department of human services shall cooperate with
20 the department on aging, the departments of inspections, and
21 appeals, and licensing, public health, public safety, and
22 workforce development, the civil rights commission, and other
23 state and local agencies performing inspections or otherwise
24 visiting residential settings where dependent adults live,
25 to regularly provide training to the appropriate staff in
26 the agencies concerning each agency's procedures involving
27 dependent adults, and to build awareness concerning dependent
28 adults and reporting of dependent adult abuse.

29 Sec. 1947. Section 235E.1, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. "*Department*" means the department of inspections, and
32 appeals, and licensing.

33 Sec. 1948. Section 235E.2, subsection 5, Code 2023, is
34 amended to read as follows:

35 5. Any other person who believes that a dependent adult

1 has suffered dependent adult abuse may report the suspected
2 dependent adult abuse to the department of inspections, and
3 appeals, and licensing. The department of inspections, and
4 appeals, and licensing shall transfer any reports received
5 of dependent adult abuse in the community to the department
6 of human services. The department of human services shall
7 transfer any reports received of dependent adult abuse in
8 facilities or programs to the department of inspections, and
9 appeals, and licensing.

10 Sec. 1949. Section 235F.6, subsection 4, Code 2023, is
11 amended to read as follows:

12 4. The court may approve a consent agreement between the
13 parties entered into to bring about the cessation of elder
14 abuse. A consent agreement approved under this section shall
15 not contain any of the following:

16 a. A provision that prohibits any party to the action
17 from contacting or cooperating with any government agency
18 including the department of human services, the department of
19 inspections, and appeals, and licensing, the department on
20 aging, the department of justice, law enforcement, and the
21 office of long-term care ombudsman; a licensing or regulatory
22 agency that has jurisdiction over any license or certification
23 held by the defendant; a protection and advocacy agency
24 recognized in section 135C.2; or the defendant's current
25 employer if the defendant's professional responsibilities
26 include contact with vulnerable elders, dependent adults, or
27 minors, if the party contacting or cooperating has a good-faith
28 belief that the information is relevant to the duties or
29 responsibilities of the entity.

30 b. A provision that prohibits any party to the action
31 from filing a complaint with or reporting a violation of law
32 to any government agency including the department of human
33 services, the department of inspections, and appeals, and
34 licensing, the department on aging, the department of justice,
35 law enforcement, and the office of long-term care ombudsman; a

1 licensing or regulatory agency that has jurisdiction over any
2 license or certification held by the defendant; a protection
3 and advocacy agency recognized in section 135C.2; or the
4 defendant's current employer.

5 c. A provision that requires any party to the action
6 to withdraw a complaint filed with or a violation reported
7 to any government agency including the department of human
8 services, the department of inspections, and appeals, and
9 licensing, the department on aging, the department of justice,
10 law enforcement, and the office of long-term care ombudsman; a
11 licensing or regulatory agency that has jurisdiction over any
12 license or certification held by the defendant; a protection
13 and advocacy agency recognized in section 135C.2; or the
14 defendant's current employer.

15 Sec. 1950. Section 237.7, Code 2023, is amended to read as
16 follows:

17 **237.7 Reports and inspections.**

18 The administrator may require submission of reports by a
19 licensee, and shall cause at least one annual unannounced
20 inspection of each facility to assess the quality of the
21 living situation and to determine compliance with applicable
22 requirements and standards. The inspections shall be conducted
23 by the department of inspections, and appeals, and licensing.
24 The director of the department of inspections, and appeals, and
25 licensing may examine records of a licensee, including but not
26 limited to corporate records and board minutes, and may inquire
27 into matters concerning a licensee and its employees relating
28 to requirements and standards for child foster care under this
29 chapter.

30 Sec. 1951. Section 237A.1, subsection 3, paragraph d, Code
31 2023, is amended to read as follows:

32 d. A child care center for sick children operated as part
33 of a pediatrics unit in a hospital licensed by the department
34 of inspections, and appeals, and licensing pursuant to chapter
35 135B.

1 Sec. 1952. Section 237A.8, Code 2023, is amended to read as
2 follows:

3 **237A.8 Violations — actions against license or registration.**

4 The administrator, after notice and opportunity for an
5 evidentiary hearing before the department of inspections, and
6 appeals, and licensing, may suspend or revoke a license or
7 certificate of registration issued under this chapter or may
8 reduce a license to a provisional license if the person to whom
9 a license or certificate is issued violates a provision of this
10 chapter or if the person makes false reports regarding the
11 operation of the child care facility to the administrator or a
12 designee of the administrator. The administrator shall notify
13 the parent, guardian, or legal custodian of each child for whom
14 the person provides child care at the time of action to suspend
15 or revoke a license or certificate of registration.

16 Sec. 1953. Section 237A.29, subsection 2, paragraph b,
17 unnumbered paragraph 1, Code 2023, is amended to read as
18 follows:

19 A child care provider that has been found by the department
20 of inspections, and appeals, and licensing in an administrative
21 proceeding or in a judicial proceeding to have obtained, or has
22 agreed to entry of a civil judgment or judgment by confession
23 that includes a conclusion of law that the child care provider
24 has obtained, by fraudulent means, public funding for provision
25 of child care in an amount equal to or in excess of the minimum
26 amount for a fraudulent practice in the second degree under
27 section 714.10, subsection 1, paragraph "a", shall be subject
28 to sanction in accordance with this subsection. Such child
29 care provider shall be subject to a period during which receipt
30 of public funding for provision of child care is conditioned
31 upon no further violations and to one or more of the following
32 sanctions as determined by the department of human services:

33 Sec. 1954. Section 237C.3, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. The department of human services shall consult with

1 the department of education, the department of inspections,
2 and appeals, and licensing, the department of public health,
3 ~~the state fire marshal~~, and other agencies as determined by
4 the department of human services to establish certification
5 standards for children's residential facilities in accordance
6 with this chapter.

7 Sec. 1955. Section 237C.8, Code 2023, is amended to read as
8 follows:

9 **237C.8 Reports and inspections.**

10 The administrator may require submission of reports by a
11 certificate of approval holder and shall cause at least one
12 annual unannounced inspection of a children's residential
13 facility to assess compliance with applicable requirements
14 and standards. The inspections shall be conducted by the
15 department of inspections, and appeals, and licensing in
16 addition to initial, renewal, and other inspections that result
17 from complaints or self-reported incidents. The department of
18 inspections, and appeals, and licensing and the department of
19 human services may examine records of a children's residential
20 facility and may inquire into matters concerning the children's
21 residential facility and its employees, volunteers, and
22 subcontractors relating to requirements and standards for
23 children's residential facilities under this chapter.

24 Sec. 1956. Section 238.19, Code 2023, is amended to read as
25 follows:

26 **238.19 Inspection generally.**

27 Authorized employees of the department of inspections, and
28 appeals, and licensing may inspect the premises and conditions
29 of the agency at any time and examine every part of the agency;
30 and may inquire into all matters concerning the agency and the
31 children in the care of the agency.

32 Sec. 1957. Section 238.20, Code 2023, is amended to read as
33 follows:

34 **238.20 Minimum inspection — record.**

35 Authorized employees of the department of inspections, and

1 appeals, and licensing shall visit and inspect the premises
2 of licensed child-placing agencies at least once every twelve
3 months and make and preserve written reports of the conditions
4 found.

5 Sec. 1958. Section 239B.16, Code 2023, is amended to read
6 as follows:

7 **239B.16 Appeal — judicial review.**

8 If an applicant's application is not acted upon within a
9 reasonable time, if it is denied in whole or in part, or if a
10 participant's assistance or other benefits under this chapter
11 are modified, suspended, or canceled under a provision of
12 this chapter, the applicant or participant may appeal to the
13 department of human services which shall request the department
14 of inspections, and appeals, and licensing to conduct a
15 hearing. Upon completion of a hearing, the department of
16 inspections, and appeals, and licensing shall issue a decision
17 which is subject to review by the department of human services.
18 Judicial review of the actions of the department of human
19 services may be sought in accordance with chapter 17A. Upon
20 receipt of a notice of the filing of a petition for judicial
21 review, the department of human services shall furnish the
22 petitioner with a copy of any papers filed in support of the
23 petitioner's position, a transcript of any testimony taken, and
24 a copy of the department's decision.

25 Sec. 1959. Section 249.5, Code 2023, is amended to read as
26 follows:

27 **249.5 Judicial review.**

28 If an application is not acted upon within a reasonable
29 time, if it is denied in whole or in part, or if an award
30 of assistance is modified, suspended, or canceled under a
31 provision of this chapter, the applicant or recipient may
32 appeal to the department of human services, which shall request
33 the department of inspections, and appeals, and licensing
34 to conduct a hearing. Upon completion of a hearing, the
35 department of inspections, and appeals, and licensing shall

1 issue a decision which is subject to review by the department
2 of human services. Judicial review of the actions of the
3 department of human services may be sought in accordance with
4 chapter 17A. Upon receipt of the petition for judicial review,
5 the department of human services shall furnish the petitioner
6 with a copy of any papers filed by the petitioner in support of
7 the petitioner's position, a transcript of any testimony taken,
8 and a copy of the department's decision.

9 Sec. 1960. Section 249.11, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. The department of inspections, and appeals, and
12 licensing shall conduct investigations and audits as deemed
13 necessary to ensure compliance with state supplementary
14 assistance programs administered under this chapter. The
15 department of inspections, and appeals, and licensing shall
16 cooperate with the department of human services on the
17 development of procedures relating to such investigations and
18 audits to ensure compliance with federal and state single state
19 agency requirements.

20 Sec. 1961. Section 249A.4, subsection 11, Code 2023, is
21 amended to read as follows:

22 11. Shall provide an opportunity for a fair hearing before
23 the department of inspections, and appeals, and licensing
24 to an individual whose claim for medical assistance under
25 this chapter is denied or is not acted upon with reasonable
26 promptness. Upon completion of a hearing, the department of
27 inspections, and appeals, and licensing shall issue a decision
28 which is subject to review by the department of human services.
29 Judicial review of the decisions of the department of human
30 services may be sought in accordance with chapter 17A. If
31 a petition for judicial review is filed, the department of
32 human services shall furnish the petitioner with a copy of
33 the application and all supporting papers, a transcript of
34 the testimony taken at the hearing, if any, and a copy of its
35 decision.

1 Sec. 1962. Section 249A.50, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. The department of inspections, and appeals, and
4 licensing shall conduct investigations and audits as deemed
5 necessary to ensure compliance with the medical assistance
6 program administered under this chapter. The department
7 of inspections, and appeals, and licensing shall cooperate
8 with the department of human services on the development of
9 procedures relating to such investigations and audits to
10 ensure compliance with federal and state single state agency
11 requirements.

12 Sec. 1963. Section 249A.50, subsection 3, paragraph a, Code
13 2023, is amended to read as follows:

14 a. A Medicaid fraud fund is created in the state treasury
15 under the authority of the department of inspections, and
16 appeals, and licensing. Moneys from penalties, investigative
17 costs recouped by the Medicaid fraud control unit, and other
18 amounts received as a result of prosecutions involving
19 the department of inspections, and appeals, and licensing
20 investigations and audits to ensure compliance with the medical
21 assistance program that are not credited to the program shall
22 be credited to the fund.

23 Sec. 1964. Section 321.11, subsections 3 and 4, Code 2023,
24 are amended to read as follows:

25 3. Notwithstanding other provisions of this section to the
26 contrary, the department shall not release personal information
27 to a person, other than to an officer or employee of a law
28 enforcement agency, an employee of a federal or state agency
29 or political subdivision in the performance of the employee's
30 official duties, a contract employee of the department of
31 inspections, and appeals, and licensing in the conduct of an
32 investigation, or a licensed private investigation agency
33 or a licensed security service or a licensed employee of
34 either, if the information is requested by the presentation
35 of a registration plate number. In addition, an officer or

1 employee of a law enforcement agency may release the name,
2 address, and telephone number of a motor vehicle registrant to
3 a person requesting the information by the presentation of a
4 registration plate number if the officer or employee of the law
5 enforcement agency believes that the release of the information
6 is necessary in the performance of the officer's or employee's
7 duties.

8 4. The department shall not release personal information
9 that is in the form of a person's photograph or digital
10 image or a digital reproduction of a person's photograph to a
11 person other than an officer or employee of a law enforcement
12 agency, an employee of a federal or state agency or political
13 subdivision in the performance of the employee's official
14 duties, a contract employee of the department of inspections,
15 and appeals, and licensing in the conduct of an investigation,
16 or a licensed private investigation agency or a licensed
17 security service or a licensed employee of either, regardless
18 of whether a person has provided express written consent to
19 disclosure of the information. The department may collect
20 reasonable fees for copies of records or other services
21 provided pursuant to this section or section 22.3, 321.10, or
22 622.46.

23 Sec. 1965. Section 321.19, subsection 1, paragraph c,
24 subparagraph (3), Code 2023, is amended to read as follows:

25 (3) Persons in the department of justice, the alcoholic
26 beverages division of the department of commerce, disease
27 investigators of the Iowa department of public health, the
28 department of inspections, and appeals, and licensing, and the
29 department of revenue, who are regularly assigned to conduct
30 investigations which cannot reasonably be conducted with a
31 vehicle displaying "official" state registration plates.

32 Sec. 1966. Section 321.211, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. Upon suspending the license of a person as authorized,
35 the department shall immediately notify the licensee in writing

1 and upon the licensee's request shall afford the licensee an
2 opportunity for a hearing before the department of inspections,
3 and appeals, and licensing as early as practical within
4 thirty days after receipt of the request. The hearing shall
5 be held by telephone conference unless the licensee and the
6 department of inspections, and appeals, and licensing agree to
7 hold the hearing in the county in which the licensee resides
8 or in some other county. Upon the hearing the department of
9 inspections, and appeals, and licensing may administer oaths
10 and issue subpoenas for the attendance of witnesses and the
11 production of relevant books and papers and may require a
12 reexamination of the licensee. Upon the hearing and issuance
13 of a recommendation by the department of inspections, and
14 appeals, and licensing, the state department of transportation
15 shall either rescind its order of suspension or for good cause
16 may extend the suspension of the license or revoke the license.
17 This section does not preclude the director from attempting to
18 effect an informal settlement under chapter 17A.

19 Sec. 1967. Section 322.9, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. The department may revoke or suspend the license of a
22 retail motor vehicle dealer if, after notice and hearing by the
23 department of inspections, and appeals, and licensing, it finds
24 that the licensee has been guilty of an act which would be a
25 ground for the denial of a license under section 322.6.

26 Sec. 1968. Section 322.9, subsection 2, unnumbered
27 paragraph 1, Code 2023, is amended to read as follows:

28 The department may revoke or suspend the license of a retail
29 motor vehicle dealer if, after notice and hearing by the
30 department of inspections, and appeals, and licensing, it finds
31 that the licensee has been convicted or has forfeited bail on
32 three charges of:

33 Sec. 1969. Section 322.24, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. The state department of transportation and the

1 department of inspections, and appeals, and licensing may
2 issue subpoenas to compel the attendance of witnesses and the
3 production of documents, papers, books, records, and other
4 evidence in any matter over which the respective department
5 has jurisdiction, control, or supervision pertaining to this
6 chapter.

7 Sec. 1970. Section 322A.3A, subsection 4, paragraph b, Code
8 2023, is amended to read as follows:

9 b. After a hearing held as described in this subsection,
10 the department of inspections, and appeals, and licensing
11 may affirm, deny, or modify the proposed alteration of a
12 franchisee's community, may enter any other orders necessary
13 to ensure that an alteration of the franchisee's community is
14 reasonable in light of all the relevant circumstances, and
15 may assess the costs of the hearing among the parties to the
16 hearing as appropriate.

17 Sec. 1971. Section 322A.5, subsection 2, paragraph b,
18 subparagraph (3), subparagraph division (b), Code 2023, is
19 amended to read as follows:

20 (b) Within thirty days of receiving the franchisee's
21 submission, the franchiser may choose to audit the submitted
22 orders. The franchiser shall then approve or deny the
23 establishment of the franchisee's average percentage markup
24 or labor rate. If the franchiser approves the establishment
25 of the franchisee's average percentage markup or labor rate,
26 the markup or rate calculated under this subparagraph shall go
27 into effect forty-five days after the date of the franchiser's
28 approval. If the franchiser denies the establishment of the
29 franchisee's average percentage markup or labor rate, the
30 franchisee may file a complaint with the department and a
31 hearing shall be held before the department of inspections,
32 and appeals, and licensing. The franchiser shall have the
33 burden of proof to establish that the franchiser's denial was
34 reasonable. If the department of inspections, and appeals,
35 and licensing finds the denial was not reasonable, the denial

1 shall be deemed a violation of this chapter and the department
2 of inspections, and appeals, and licensing shall determine
3 the franchisee's average percentage markup or labor rate for
4 purposes of calculating a reasonable schedule of compensation.
5 In making such a determination, the department of inspections,
6 and appeals, and licensing shall not consider retail service
7 orders or portions of retail service orders attributable to
8 routine maintenance such as tire service or oil service.

9 Sec. 1972. Section 322A.6, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. An applicant seeking permission to enter into a franchise
12 for additional representation of the same line-make in a
13 community shall deposit with the department at the time the
14 application is filed, an amount of money to be determined by
15 the department of inspections, and appeals, and licensing to
16 pay the costs of the hearing.

17 Sec. 1973. Section 322A.7, subsection 1, Code 2023, is
18 amended to read as follows:

19 1. Upon receiving an application, the department shall
20 notify the department of inspections, and appeals, and
21 licensing which shall enter an order fixing a time, which
22 shall be within ninety days of the date of the order, and
23 place of hearing, and shall send by certified or registered
24 mail, with return receipt requested, a copy of the order
25 to the franchisee whose franchise the franchiser seeks to
26 terminate or not continue, or to the franchiser who is seeking
27 to alter a franchisee's community, as applicable. If the
28 application requests permission to establish an additional
29 motor vehicle dealership, a copy of the order shall be sent to
30 all franchisees in the community who are then engaged in the
31 business of offering to sell or selling the same line-make. If
32 the application challenges the reasonableness of a proposed
33 alteration to a franchisee's community, a copy of the order
34 shall be sent to all franchisees located in Iowa surrounding
35 the affected community which are then engaged in the business

1 of offering to sell or selling the same line-make. Copies of
2 orders shall be addressed to the franchisee at the place where
3 the business is conducted. The department of inspections, and
4 appeals, and licensing may also give notice of the franchiser's
5 application to any other parties deemed interested persons, the
6 notice to be in the form and substance and given in the manner
7 the department of inspections, and appeals, and licensing deems
8 appropriate.

9 Sec. 1974. Section 322A.8, Code 2023, is amended to read as
10 follows:

11 **322A.8 Continuation.**

12 If the department of inspections, and appeals, and licensing
13 finds it desirable it may upon request continue the date of
14 hearing for a period of ninety days, and may upon application,
15 but not ex parte, continue the date of hearing for an
16 additional period of ninety days.

17 Sec. 1975. Section 322A.9, subsection 2, Code 2023, is
18 amended to read as follows:

19 2. Nothing contained in this chapter shall be construed to
20 require or authorize any investigation by the department of any
21 matter before the department under this chapter. Upon hearing,
22 the department of inspections, and appeals, and licensing shall
23 hear the evidence introduced by the parties and shall make its
24 decision solely upon the record so made.

25 Sec. 1976. Section 322A.10, Code 2023, is amended to read
26 as follows:

27 **322A.10 Rules of evidence.**

28 1. The rules of civil procedure relating to discovery and
29 inspection shall apply to hearings held under the provisions of
30 this chapter, and the department of inspections, and appeals,
31 and licensing may issue orders to give effect to such rules.

32 2. In the event issues are raised which would involve
33 violations of any state or federal antitrust or price-fixing
34 law, all discovery and inspection proceedings which would be
35 available under such issues in a state or federal court action

1 shall be available to the parties to the hearing, and the
2 department of inspections, and appeals, and licensing may issue
3 orders to give effect to such proceedings.

4 3. Evidence which would be admissible under the issues in a
5 state or federal court action is admissible in a hearing held
6 by the department of inspections, and appeals, and licensing.
7 The department of inspections, and appeals, and licensing shall
8 apportion all costs between the parties.

9 Sec. 1977. Section 322A.13, Code 2023, is amended to read
10 as follows:

11 **322A.13 Compulsory attendance at hearings.**

12 The department of inspections, and appeals, and licensing
13 may issue subpoenas, administer oaths, compel the attendance of
14 witnesses and production of books, papers, documents, and all
15 other evidence. The department of inspections, and appeals,
16 and licensing may apply to the district court of the county
17 wherein the hearing is being held for a court order enforcing
18 this section.

19 Sec. 1978. Section 322A.15, subsection 1, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 In determining whether good cause has been established for
22 terminating or not continuing a franchise, the department
23 of inspections, and appeals, and licensing shall take into
24 consideration the existing circumstances, including, but not
25 limited to:

26 Sec. 1979. Section 322A.15, subsection 1, paragraphs g and
27 h, Code 2023, are amended to read as follows:

28 *g.* Except as provided in section 322A.11, failure by the
29 franchisee to substantially comply with those requirements
30 of the franchise which are determined by the department of
31 inspections, and appeals, and licensing to be reasonable and
32 material.

33 *h.* Except as provided in section 322A.11, bad faith by the
34 franchisee in complying with those terms of the franchise which
35 are determined by the department of inspections, and appeals,

1 and licensing to be reasonable and material.

2 Sec. 1980. Section 322A.16, unnumbered paragraph 1, Code
3 2023, is amended to read as follows:

4 In determining whether good cause has been established for
5 entering into an additional franchise for the same line-make,
6 the department of inspections, and appeals, and licensing shall
7 take into consideration the existing circumstances, including,
8 but not limited to:

9 Sec. 1981. Section 322A.17, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. A decision of the department of inspections, and appeals,
12 and licensing is subject to review by the state department of
13 transportation, whose decision is final agency action for the
14 purpose of judicial review.

15 Sec. 1982. Section 322C.6, unnumbered paragraph 1, Code
16 2023, is amended to read as follows:

17 A license issued under section 322C.4 or 322C.9 may be
18 denied, revoked, or suspended, after opportunity for a
19 hearing before the department of inspections, and appeals, and
20 licensing in accordance with chapters 10A and 17A, if it is
21 determined that the licensee or applicant has done any of the
22 following:

23 Sec. 1983. Section 323.1, subsection 4, Code 2023, is
24 amended to read as follows:

25 4. "*Department*" means the department of inspections, and
26 appeals, and licensing.

27 Sec. 1984. Section 324A.5, subsection 2, paragraph c, Code
28 2023, is amended to read as follows:

29 c. The department of inspections, and appeals, and licensing
30 shall establish an appeal process pursuant to chapters 10A and
31 17A which allows those agencies or organizations determined
32 to not be in compliance with this chapter an opportunity for
33 a timely hearing before the department of inspections, and
34 appeals, and licensing. A decision by the department of
35 inspections, and appeals, and licensing is subject to review by

1 the state department of transportation. The state department
2 of transportation's decision is the final agency action.
3 Judicial review of the action of the department may be sought
4 in accordance with chapter 17A.

5 Sec. 1985. Section 327C.8, Code 2023, is amended to read as
6 follows:

7 **327C.8 Objections — hearing.**

8 A person directly affected by the proposed discontinuance
9 of an agency may file written objections with the department
10 stating the grounds for the objections, within fifteen days
11 from the time of the publication of the notice as provided in
12 section 327C.7. Upon the filing of objections the department
13 shall request the department of inspections, and appeals, and
14 licensing to hold a hearing, which shall be held within sixty
15 days from the filing of the objections. Written notice of the
16 time and place of the hearing shall be mailed by the department
17 of inspections, and appeals, and licensing to the railroad
18 corporation and the person filing objections at least ten days
19 prior to the date fixed for the hearing.

20 Sec. 1986. Section 327C.12, Code 2023, is amended to read
21 as follows:

22 **327C.12 Aid from courts.**

23 The department or the department of inspections, and
24 appeals, and licensing may invoke the aid of any court of
25 record in the state in requiring the attendance and testimony
26 of witnesses and the production of books, papers, tariff
27 schedules, agreements, and other documents. If a person
28 refuses to obey a subpoena or other process, a court having
29 jurisdiction of the inquiry shall issue an order requiring any
30 of the officers, agents, or employees of a carrier or other
31 person to appear before either department and produce all books
32 and papers required by the order and testify in relation to any
33 matter under investigation.

34 Sec. 1987. Section 327C.17, Code 2023, is amended to read
35 as follows:

1 **327C.17 Penalty.**

2 If a railroad fails or refuses to comply with a rule or
3 order made by the state department of transportation or the
4 department of inspections, and appeals, and licensing within
5 the time specified, the railroad is, for each day of such
6 failure, subject to a schedule "two" penalty.

7 Sec. 1988. Section 327C.19, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. A decision of the department of inspections, and appeals,
10 and licensing is subject to review by the state department of
11 transportation.

12 Sec. 1989. Section 327C.20, Code 2023, is amended to read
13 as follows:

14 **327C.20 Remitting penalty.**

15 If a common carrier fails in a judicial review proceeding
16 to secure a vacation of the order objected to, it may apply to
17 the court in which the review proceeding is finally adjudicated
18 for an order remitting the penalty which has accrued during
19 the review proceeding. Upon a satisfactory showing that the
20 petition for judicial review was filed in good faith and not
21 for the purpose of delay, and that there were reasonable
22 grounds to believe that the order was unreasonable or unjust
23 or that the power of the department of transportation or the
24 department of inspections, and appeals, and licensing to make
25 the order was doubtful, the court may remit the penalty that
26 has accrued during the review proceeding.

27 Sec. 1990. Section 327C.25, Code 2023, is amended to read
28 as follows:

29 **327C.25 Complaints.**

30 A person may file with the department a petition setting
31 forth any particular in which a common carrier has violated the
32 law to which it is subject and the amount of damages sustained
33 by reason of the violation. The department shall furnish a
34 copy of the complaint to the carrier against which a complaint
35 is filed. The department shall request the department

1 of inspections, and appeals, and licensing to schedule a
2 hearing in which the carrier shall answer the petition or
3 satisfy the demands of the complaint. If the carrier fails
4 to satisfy the complaint within the time fixed or there
5 appears to be reasonable grounds for investigating the matters
6 set forth in the petition, the department of inspections,
7 and appeals, and licensing shall hear and determine the
8 questions involved and make orders it finds proper. If the
9 department of transportation has reason to believe that a
10 carrier is violating any of the laws to which it is subject,
11 the department may institute an investigation and request
12 the department of inspections, and appeals, and licensing to
13 conduct a hearing in relation to the matters as if a petition
14 had been filed.

15 Sec. 1991. Section 327C.26, Code 2023, is amended to read
16 as follows:

17 **327C.26 Reports.**

18 When a hearing has been held before the department of
19 inspections, and appeals, and licensing after notice, it shall
20 make a report in writing setting forth the findings of fact
21 and its conclusions together with its recommendations as to
22 what reparation, if any, the offending carrier shall make to a
23 party who has suffered damage. The findings of fact are prima
24 facie evidence in all further legal proceedings of every fact
25 found. All reports of hearings and investigations made by the
26 department of inspections, and appeals, and licensing shall be
27 entered of record and a copy furnished to the carrier against
28 which the complaint was filed, to the party complaining, and
29 to any other person having a direct interest in the matter. A
30 reasonable fee not to exceed the actual duplication costs may
31 be charged for the copies.

32 Sec. 1992. Section 327C.28, Code 2023, is amended to read
33 as follows:

34 **327C.28 Violation of order — petition — notice.**

35 If a person violates or fails to obey a lawful order

1 or requirement of the department of transportation or the
2 department of inspections, and appeals, and licensing, the
3 department of transportation or the department of inspections,
4 and appeals, and licensing shall apply by petition in the
5 name of the state against the person, to the district court,
6 alleging the violation or failure to obey. The court shall
7 hear and determine the matter set forth in the petition on
8 reasonable notice to the person, to be fixed by the court and
9 to be served in the same manner as an original notice for the
10 commencement of action.

11 Sec. 1993. Section 327C.29, Code 2023, is amended to read
12 as follows:

13 **327C.29 Interested party may begin proceedings.**

14 A person interested in enforcing an order or requirement
15 of the department of transportation or the department of
16 inspections, and appeals, and licensing, may file a petition
17 against the violator, alleging the failure to comply with
18 the order or requirement and asking for summary relief to
19 the same extent and in the same manner as the department of
20 transportation or the department of inspections, and appeals,
21 and licensing may under section 327C.28, and the proceedings
22 after the filing of the petition shall be the same as in
23 section 327C.28.

24 Sec. 1994. Section 327D.4, Code 2023, is amended to read as
25 follows:

26 **327D.4 Connections.**

27 If a railroad corporation in this state refuses to connect by
28 proper switches or tracks with the tracks of another railroad
29 corporation or refuses to receive, transport, load, discharge,
30 reload, or return cars furnished by another connecting railroad
31 corporation, a petition requesting resolution of the dispute
32 may be filed with the department. The department shall notify
33 the department of inspections, and appeals, and licensing
34 which shall hold a hearing on the dispute. Upon conclusion of
35 the hearing, the department of inspections, and appeals, and

1 licensing shall issue an order to resolve the dispute. The
2 order may include the allocation of costs between the parties.
3 The order is subject to review by the department which review
4 shall be the final agency action.

5 Sec. 1995. Section 327D.53, Code 2023, is amended to read
6 as follows:

7 **327D.53 Division of joint rates.**

8 Before the adoption of the rates, the department shall
9 notify the railroad corporations interested in the schedule of
10 joint rates fixed, and give them a reasonable time to agree
11 upon a division of the charges provided. If the corporations
12 fail to agree upon a division, and to notify the department
13 of their agreement, the department shall, after a hearing
14 conducted by the department of inspections, and appeals, and
15 licensing, decide the rates, taking into consideration the
16 value of terminal facilities and all the circumstances of
17 the haul, and the division so determined by it is, in all
18 controversies or actions between the railroad corporations
19 interested, prima facie evidence of a just and reasonable
20 division.

21 Sec. 1996. Section 327D.83, Code 2023, is amended to read
22 as follows:

23 **327D.83 Rate hearing.**

24 If a schedule is filed with the department stating a rate,
25 the department may, either upon complaint or upon its own
26 motion, request the department of inspections, and appeals, and
27 licensing to conduct a hearing concerning the propriety of the
28 rate.

29 Sec. 1997. Section 327D.85, Code 2023, is amended to read
30 as follows:

31 **327D.85 Rate proposal — review.**

32 At the hearing the department of inspections, and appeals,
33 and licensing shall propose the rates on the schedule, in whole
34 or in part, or others in lieu thereof, which the department
35 of inspections, and appeals, and licensing finds are just and

1 reasonable rates. The action of the department of inspections,
2 ~~and appeals~~, and licensing is subject to review by the state
3 department of transportation. The decision of the state
4 department of transportation is the final agency action.

5 Sec. 1998. Section 327D.89, Code 2023, is amended to read
6 as follows:

7 **327D.89 Complaint of violation.**

8 When a person complains to the department that the rate
9 charged or published by a railway corporation, or the maximum
10 rate fixed by law, is unreasonably high or discriminating,
11 the department may investigate the matter, and request the
12 department of inspections, ~~and appeals~~, and licensing to
13 conduct a hearing. The department of inspections, ~~and appeals~~,
14 and licensing shall give the parties notice of the time and
15 place of the hearing.

16 Sec. 1999. Section 327D.90, Code 2023, is amended to read
17 as follows:

18 **327D.90 Hearing — evidence.**

19 At the time of the hearing the department of inspections, ~~and~~
20 appeals, and licensing shall receive any evidence and listen
21 to any arguments presented by either party relevant to the
22 matter under investigation, and the burden of proof is not
23 upon the person making the complaint. The complainant shall
24 add to the showing made at the hearing whatever information
25 the complainant then has, or can obtain from any source.
26 The department of inspections, ~~and appeals~~, and licensing
27 shall propose just and reasonable rates, which may be adopted
28 in whole or in part or modified as the state department of
29 transportation determines.

30 Sec. 2000. Section 327D.128, Code 2023, is amended to read
31 as follows:

32 **327D.128 Weighing — disagreement.**

33 If a railroad corporation and the owner, consignor,
34 or consignee of car lots of bulk commodities cannot reach
35 agreement relative to the weighing of the commodities, appeal

1 may be made to the state department of transportation. The
2 state department of transportation, after a hearing by the
3 department of inspections, and appeals, and licensing, shall
4 issue an order equitable to all parties including but not
5 limited to allocation of costs and specification of the place
6 and manner of weighing.

7 Sec. 2001. Section 327G.12, Code 2023, is amended to read
8 as follows:

9 **327G.12 Overhead, underground, or more than one crossing.**

10 The owner of land may serve upon the railroad corporation
11 a request in writing for more than one private crossing, or
12 for an overhead or underground crossing, accompanied by a plat
13 of the owner's land designating the location and character
14 of crossing desired. If the railroad corporation refuses or
15 neglects to comply within thirty days of a written request,
16 the owner of the land may make written application to the
17 department to determine the owner's rights. The department
18 of inspections, and appeals, and licensing, after notice to
19 the railroad corporation, shall hear the application and all
20 objections to the application, and make an order which is
21 reasonable and just, and if it requires the railroad company to
22 construct any crossing or roadway, fix the time for compliance
23 with the order and apportion the costs as appropriate. The
24 order of the department of inspections, and appeals, and
25 licensing is subject to review by the state department of
26 transportation. The decision of the state department of
27 transportation is the final agency action.

28 Sec. 2002. Section 327G.16, Code 2023, is amended to read
29 as follows:

30 **327G.16 Disagreement — application — notice.**

31 If the persons specified in section 327G.15 cannot reach
32 an agreement, either party may make written application to
33 the department requesting resolution of the disagreement.
34 The department shall request the department of inspections,
35 and appeals, and licensing to set a date for hearing. The

1 department of inspections, and appeals, and licensing shall
2 give ten days' written notice of the hearing date.

3 Sec. 2003. Section 327G.17, Code 2023, is amended to read
4 as follows:

5 **327G.17 Hearing — order.**

6 1. The department of inspections, and appeals, and
7 licensing shall hear the evidence of each party to the
8 controversy and shall make an order, which may include,
9 pursuant to chapters 6A and 6B, authority to condemn, resolving
10 the controversy. The order shall include the portion of the
11 expense to be paid by each party to the controversy. In
12 determining what portion of the expense shall be paid by
13 each party, the department of inspections, and appeals, and
14 licensing may consider the ratio of the benefits accruing to
15 the railroad or the governmental unit or both, to the general
16 public use and benefit.

17 2. The order of the department of inspections, and appeals,
18 and licensing is subject to review by the state department
19 of transportation. The decision of the state department of
20 transportation is the final agency action.

21 Sec. 2004. Section 327G.31, Code 2023, is amended to read
22 as follows:

23 **327G.31 Disagreement resolved.**

24 If a railroad corporation and the jurisdiction having
25 authority cannot reach agreement on grade crossing surface
26 repair and maintenance, either party may appeal to the
27 department of inspections, and appeals, and licensing if prior
28 to disagreement both parties have filed a statement with the
29 state department of transportation to the effect that they have
30 entered into negotiations on grade crossing surface repair
31 and maintenance of a particular crossing. The department of
32 inspections, and appeals, and licensing shall resolve the
33 dispute in the manner provided in sections 327G.16 and 327G.17,
34 except for the allocation of costs.

35 Sec. 2005. Section 327G.32, subsections 3 and 4, Code 2023,

1 are amended to read as follows:

2 3. Other portions of this section notwithstanding, a
3 political subdivision may pass an ordinance regulating the
4 length of time a specific crossing may be blocked if the
5 political subdivision demonstrates that an ordinance is
6 necessary for public safety or convenience. If an ordinance
7 is passed, the political subdivision shall, within thirty days
8 of the effective date of the ordinance, notify the department
9 and the railroad corporation using the crossing affected by the
10 ordinance. The ordinance does not become effective unless the
11 department and the railroad corporation are notified within
12 thirty days. The ordinance becomes effective thirty days
13 after notification unless a person files an objection to the
14 ordinance with the department. If an objection is filed the
15 department shall notify the department of inspections, and
16 appeals, and licensing which shall hold a hearing. After
17 a hearing by the department of inspections, and appeals,
18 and licensing, the state department of transportation may
19 disapprove the ordinance if public safety or convenience
20 does not require the ordinance. The decision of the state
21 department of transportation is final agency action. The
22 ordinance approved by the political subdivision is prima facie
23 evidence that the ordinance is adopted to preserve public
24 safety or convenience.

25 4. The department of inspections, and appeals, and
26 licensing when considering rebuttal evidence shall weigh the
27 benefits accruing to the political subdivision as they affect
28 the general public use compared to the burden placed on the
29 railroad operation. Public safety or convenience may include,
30 but is not limited to, high traffic density at a specific
31 crossing of a main artery or interference with the flow of
32 authorized emergency vehicles.

33 Sec. 2006. Section 327G.62, Code 2023, is amended to read
34 as follows:

35 **327G.62 Controversies — hearing — order — review.**

1 When a disagreement arises between a railroad corporation,
2 its grantee, or its successor in interest, and the owner,
3 lessee, or licensee of a building or other improvement,
4 including trackage, used for receiving, storing, transporting,
5 or manufacturing an article of commerce transported or to
6 be transported, situated on a present or former railroad
7 right-of-way or on land owned or controlled by the railroad
8 corporation, its grantee, or its successor in interest, as
9 to the terms and conditions on which the article is to be
10 continued or removed, the railway corporation, its grantee, or
11 its successor in interest, or the owner, lessee, or licensee
12 may make written application to the department. The department
13 shall notify the department of inspections, and appeals, and
14 licensing which shall hear and determine the controversy and
15 make an order which is just and equitable between the parties.
16 That order is subject to review by the state department of
17 transportation. The decision of the state department of
18 transportation is final agency action.

19 Sec. 2007. Section 327G.65, Code 2023, is amended to read
20 as follows:

21 **327G.65 Cost of construction.**

22 The railroad corporation may require the person primarily to
23 be served to pay the legitimate cost and expense of acquiring,
24 by condemnation or purchase, the necessary right-of-way for the
25 spur track and of constructing it, as determined in separate
26 items by the department. Except as provided in section
27 327G.66, the total cost as ascertained by the department
28 shall be deposited with the railroad corporation before it is
29 required to incur expense. If an agreement cannot be reached,
30 the question shall be referred to the department which may,
31 after a hearing conducted by the department of inspections, and
32 appeals, and licensing, issue an order.

33 Sec. 2008. Section 327G.78, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. Subject to section 6A.16 and 327G.77, when a railroad

1 corporation, its trustee, or its successor in interest has
2 interests in real property adjacent to a railroad right-of-way
3 that are abandoned by order of the surface transportation
4 board, reorganization court, bankruptcy court, or the
5 department, or when a railroad corporation, its trustee, or
6 its successor in interest seeks to sell its interests in
7 that property under any other circumstance, the railroad
8 corporation, its trustee, or its successor in interest shall
9 extend a written offer to sell at a fair market value price to
10 the persons holding leases, licenses, or permits upon those
11 properties, allowing sixty days from the time of receipt for a
12 written response. If a disagreement arises between the parties
13 concerning the price or other terms of the sale transaction,
14 either or both parties may make written application to the
15 department to resolve the disagreement. The application shall
16 be made within sixty days from the time an initial written
17 response is served upon the railroad corporation, trustee,
18 or successor in interest by the person wishing to purchase
19 the property. The department shall notify the department of
20 inspections, and appeals, and licensing which shall hear the
21 controversy and make a final determination of the fair market
22 value of the property and the other terms of the transaction
23 which were in dispute, within ninety days after the application
24 is filed. The determination is subject to review by the
25 department and the department's decision is the final agency
26 action. All correspondence shall be by certified mail.

27 Sec. 2009. Section 327G.79, subsections 1 and 2, Code 2023,
28 are amended to read as follows:

29 1. The department of inspections ~~and appeals'~~, appeals, and
30 licensing's determination and order shall be just and equitable
31 and, in the case of the determination of the fair market value
32 of the property, shall be based in part upon at least three
33 independent appraisals prepared by certified appraisers. Each
34 party shall select one appraiser and each appraisal shall be
35 paid for by the party for whom the appraisal is prepared.

1 The two appraisers shall select a third appraiser and the
 2 costs of this appraisal shall be divided equally between the
 3 parties. If the appraisers selected by the parties cannot
 4 agree on selection of a third appraiser, the state department
 5 of transportation shall appoint a third appraiser and the costs
 6 of this appraisal shall be divided equally between the parties.

7 2. The department of inspections ~~and appeals~~, appeals, and
 8 licensing's determination and order is final for the purpose
 9 of administrative review to the district court as provided in
 10 chapter 17A. The district court's scope of review shall be
 11 confined to whether there is substantial evidence to support
 12 the department of inspections ~~and appeals~~, appeals, and
 13 licensing's determination and order.

14 Sec. 2010. Section 331.324, subsection 1, paragraph e, Code
 15 2023, is amended to read as follows:

16 e. Cooperate with the workers' compensation commissioner and
 17 comply with requirements imposed upon counties under ~~chapters~~
 18 ~~86~~ chapter 10A, subchapter III, and chapter 87.

19 Sec. 2011. Section 331.394, subsection 5, paragraph c, Code
 20 2023, is amended to read as follows:

21 c. The county or region that received the notification,
 22 as applicable, shall respond to the party that provided
 23 the notification within forty-five days of receiving the
 24 notification. If the parties cannot agree to a settlement as
 25 to the person's residency status within ninety days of the
 26 date of notification, on motion of any of the parties, the
 27 matter shall be referred to the department of inspections,
 28 ~~and appeals, and licensing~~ for a contested case hearing under
 29 chapter 17A before an administrative law judge assigned in
 30 accordance with section 10A.801 to determine the person's
 31 residency status.

32 Sec. 2012. Section 331.394, subsection 5, paragraph d,
 33 subparagraph (1), Code 2023, is amended to read as follows:

34 (1) The administrative law judge's determination of the
 35 person's residency status shall be considered final agency

1 action, notwithstanding contrary provisions of section 17A.15.
2 The party that does not prevail in the determination or
3 subsequent judicial review is liable for costs associated with
4 the proceeding, including reimbursement of the department of
5 ~~inspections and appeals~~, appeals, and licensing's actual costs
6 associated with the administrative proceeding. Judicial review
7 of the determination may be sought in accordance with section
8 17A.19.

9 Sec. 2013. Section 331.394, subsection 6, paragraph c, Code
10 2023, is amended to read as follows:

11 c. The department, county, or region that received the
12 notification, as applicable, shall respond to the party
13 that provided the notification within forty-five days of
14 receiving the notification. If the parties cannot agree to a
15 settlement as to the dispute within ninety days of the date of
16 notification, on motion of any of the parties, the matter shall
17 be referred to the department of inspections, and appeals, and
18 licensing for a contested case hearing under chapter 17A before
19 an administrative law judge assigned in accordance with section
20 10A.801 to determine facts and issue a decision to resolve the
21 dispute.

22 Sec. 2014. Section 331.394, subsection 6, paragraph d,
23 subparagraph (1), Code 2023, is amended to read as follows:

24 (1) The administrative law judge's decision is a final
25 agency action, notwithstanding contrary provisions of section
26 17A.15. The party that does not prevail in the decision or
27 subsequent judicial review is liable for costs associated with
28 the proceeding, including reimbursement of the department of
29 ~~inspections and appeals~~, appeals, and licensing's actual
30 costs associated with the administrative proceeding. Judicial
31 review of the decision may be sought in accordance with section
32 17A.19.

33 Sec. 2015. Section 331.653, subsection 10, Code 2023, is
34 amended to read as follows:

35 10. Cooperate with the ~~division of labor services of the~~

1 department of ~~workforce development~~ inspections, appeals, and
2 licensing in the enforcement of child labor laws as provided
3 in section 92.22.

4 Sec. 2016. Section 331.756, subsections 16 and 55, Code
5 2023, are amended to read as follows:

6 16. Institute legal proceedings against persons who
7 violate laws administered ~~by the division of labor services~~
8 ~~of the department of workforce development~~ under chapter 10A,
9 subchapter II, as provided in section ~~91.11~~ 10A.210.

10 55. Make a written report to the department of inspections,
11 and appeals, and licensing within fifteen days of the end of
12 each calendar quarter of the amount of funds which were owed to
13 the state for indigent defense services and which were recouped
14 pursuant to subsection 5.

15 Sec. 2017. Section 423.3, subsection 18, paragraph a, Code
16 2023, is amended to read as follows:

17 a. Residential care facilities and intermediate care
18 facilities for persons with an intellectual disability and
19 residential care facilities for persons with mental illness
20 licensed by the department of inspections, and appeals, and
21 licensing under chapter 135C.

22 Sec. 2018. Section 425.28, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. In addition to the sharing of information under
25 subsection 3, the department of human services may release
26 information pertaining to a person's eligibility or claim
27 for or receipt of rent reimbursement to an employee of the
28 department of inspections, and appeals, and licensing in the
29 employee's official conduct of an audit or investigation.

30 Sec. 2019. Section 453A.2, subsection 6, Code 2023, is
31 amended to read as follows:

32 6. If a county or a city has not assessed a penalty pursuant
33 to section 453A.22, subsection 2, for a violation of subsection
34 1, within sixty days of the adjudication of the violation,
35 the matter shall be transferred to and be the exclusive

1 responsibility of the alcoholic beverages division of the
2 department of commerce. Following transfer of the matter, if
3 the violation is contested, the alcoholic beverages division
4 of the department of commerce shall request an administrative
5 hearing before an administrative law judge, assigned by the
6 division of administrative hearings of the department of
7 inspections, and appeals, and licensing in accordance with
8 the provisions of section 10A.801, to adjudicate the matter
9 pursuant to chapter 17A.

10 Sec. 2020. Section 455B.135, Code 2023, is amended to read
11 as follows:

12 **455B.135 Limit on authority.**

13 Nothing contained in this subchapter II or chapter 459,
14 subchapter II, shall be deemed to grant to the department or
15 the director any authority or jurisdiction with respect to
16 air pollution existing solely within residences; or solely
17 within commercial and industrial plants, works, or shops under
18 the jurisdiction of ~~chapters~~ chapter 10A, subchapter II, and
19 chapter 88 and 91; or to affect the relations between employers
20 and employees with respect to, or arising out of, any condition
21 of air pollution.

22 Sec. 2021. Section 455B.145, subsection 2, paragraphs b and
23 c, Code 2023, are amended to read as follows:

24 *b.* The director shall promptly investigate the application
25 and approve or disapprove the application. The director may
26 conduct a public hearing before action is taken to approve or
27 disapprove. If the director disapproves issuing a certificate,
28 the political subdivision may appeal the action to the
29 department of inspections, and appeals, and licensing. At the
30 hearing on appeal, the department of inspections, and appeals,
31 and licensing shall decide whether the local program is
32 substantially consistent with the provisions of this subchapter
33 II, or rules adopted under this subchapter II, and whether the
34 local program is being enforced. The burden of proof shall be
35 upon the political subdivision.

1 c. If the director determines at any time that a local air
 2 pollution program is being conducted in a manner inconsistent
 3 with the substantive provisions of this subchapter II or the
 4 rules adopted under this subchapter II, the director shall
 5 notify the political subdivision, citing the deviations
 6 from the acceptable standards and the corrective measures
 7 to be completed within a reasonable amount of time. If the
 8 corrective measures are not implemented as prescribed, the
 9 director shall suspend in whole or in part the certificate of
 10 acceptance of such political subdivision and shall administer
 11 the regulatory provisions of this subchapter II in whole or in
 12 part within the political subdivision until the appropriate
 13 standards are met. Upon receipt of evidence that necessary
 14 corrective action has been taken, the director shall reinstate
 15 the suspended certificate of acceptance, and the political
 16 subdivision shall resume the administration of the local air
 17 pollution control program within its jurisdiction. In cases
 18 where the certificate of acceptance is suspended, the political
 19 subdivision may appeal the suspension to the department of
 20 inspections, and appeals, and licensing.

21 Sec. 2022. Section 455B.271, subsection 2, unnumbered
 22 paragraph 1, Code 2023, is amended to read as follows:

23 Subject to appeal to the department of inspections, and
 24 appeals, and licensing, a permit may be modified or canceled by
 25 the director if any of the following occur:

26 Sec. 2023. Section 455B.390, subsection 1, Code 2023, is
 27 amended to read as follows:

28 1. Hazardous conditions existing solely within and which
 29 will probably continue to exist solely within commercial and
 30 industrial plants, works, or shops under the jurisdiction of
 31 ~~chapters~~ chapter 10A, subchapter II, and chapter 88 and 91.

32 Sec. 2024. Section 515B.5, subsection 2, paragraph h, Code
 33 2023, is amended to read as follows:

34 h. Request that all future payments of workers' compensation
 35 weekly benefits, medical expenses, or other payments under

1 chapter 10A, subchapter III, chapter 85, 85A, 85B, 86, or 87
2 be commuted to a present lump sum and upon the payment of
3 which, either to the claimant or to a licensed insurer for
4 purchase of an annuity or other periodic payment plan for the
5 benefit of the claimant, the employer and the association shall
6 be discharged from all further liability for the workers'
7 compensation claim. Notwithstanding the provisions of
8 section 85.45, any future payment of medical expenses, weekly
9 compensation benefits, or other payment by the association
10 under this chapter pursuant to chapter 10A, subchapter III,
11 chapter 85, 85A, 85B, 86, or 87, is deemed an undue expense,
12 hardship, or inconvenience upon the employer for purposes of
13 a full commutation pursuant to section 85.45, subsection 1,
14 paragraph "b", and the workers' compensation commissioner shall
15 fix the lump sum of the probable future medical expenses and
16 weekly compensation benefits capitalized at their present value
17 upon the basis of interest at the rate provided in section
18 535.3 for court judgments and decrees.

19 Sec. 2025. Section 524.208, Code 2023, is amended to read
20 as follows:

21 **524.208 Examiners and other employees.**

22 The superintendent may appoint examiners and other
23 employees, including for the banking division's internal
24 information technology group, as the superintendent deems
25 necessary to the proper discharge of the duties imposed upon
26 the superintendent by the laws of this state. Pay plans shall
27 be established for employees, other than clerical employees ~~or~~
28 ~~employees of the professional licensing and regulation bureau~~
29 ~~of the banking division,~~ who examine the accounts and affairs
30 of state banks and who examine the accounts and affairs of
31 other persons, subject to supervision and regulation by the
32 superintendent, which are substantially equivalent to those
33 paid by the federal deposit insurance corporation and other
34 federal supervisory agencies in this area of the United States.

35 Sec. 2026. Section 524.211, subsection 5, Code 2023, is

1 amended to read as follows:

2 5. An employee of the banking division, other than the
3 superintendent or a member of the state banking council ~~or one~~
4 ~~of the boards in the professional licensing and regulation~~
5 ~~bureau of the division~~, shall not perform any services for, and
6 shall not be a shareholder, member, partner, owner, director,
7 officer, or employee of, any enterprise, person, or affiliate
8 subject to the regulatory purview of the banking division.

9 Sec. 2027. Section 542B.22, Code 2023, is amended to read
10 as follows:

11 **542B.22 Procedure.**

12 Proceedings for any action under section 542B.21 shall be
13 begun by filing with the board written charges against the
14 accused. Upon the filing of charges the board may request
15 the department of inspections, and appeals, and licensing to
16 conduct an investigation into the charges. The department
17 of inspections, and appeals, and licensing shall report its
18 findings to the board, and the board shall designate a time
19 and place for a hearing, and shall notify the accused of this
20 action and furnish the accused a copy of all charges at least
21 thirty days prior to the date of the hearing. The accused has
22 the right to appear personally or by counsel, to cross-examine
23 witnesses, and to produce witnesses in defense.

24 Sec. 2028. Section 543C.4, subsections 1 and 2, Code 2023,
25 are amended to read as follows:

26 1. The commission may request the department of
27 inspections, and appeals, and licensing to conduct an
28 investigation and inspection to be made of any subdivided land
29 proposed to be offered for sale or lease in this state pursuant
30 to this chapter. The department of inspections, and appeals,
31 and licensing shall make a report of its findings.

32 2. If an inspection is to be made of subdivided land
33 situated outside of this state and offered for sale in this
34 state, the inspection as authorized by subsection 1 shall
35 be made by the department of inspections, and appeals,

1 and licensing at the expense of the subdivider. After the
2 application required by section 543C.2 is filed and after
3 the filing fee required by section 543C.8 is received, the
4 commission may decide whether an inspection pursuant to this
5 subsection is to be made. If the commission requires an
6 inspection, the department of inspections, and appeals, and
7 licensing shall so notify the subdivider and the subdivider
8 shall remit to the department an amount equivalent to the
9 round trip cost of travel from this state to the location
10 of the project, as estimated by the department and a further
11 amount estimated to be necessary to cover the additional
12 expenses of inspection but not to exceed fifty dollars a day
13 for each day incurred in the inspection. The costs of any
14 subsequent inspections deemed necessary shall be paid for by
15 the subdivider. At the completion of an inspection trip the
16 department shall furnish the subdivider a statement as to the
17 costs of the inspection trip, and if the costs are less than
18 the amount advanced by the subdivider to the department, the
19 remaining balance shall be refunded to the subdivider.

20 Sec. 2029. Section 544B.16, Code 2023, is amended to read
21 as follows:

22 **544B.16 Complaints — procedure.**

23 A person may file a complaint with the board against a
24 professional landscape architect or the board may initiate
25 a complaint. Unless the complaint is dismissed by the
26 board as unfounded or trivial, the board may request the
27 department of inspections, and appeals, and licensing to
28 conduct an investigation into the complaint. The department
29 of inspections, and appeals, and licensing shall report its
30 findings to the board, and the board shall hold a hearing
31 within sixty days after the date on which the complaint is
32 filed. The board shall fix the time and place for such hearing
33 and shall cause a copy of the complaint, together with a notice
34 of the time and place fixed for the hearing, to be served on
35 the accused at least thirty days before the date fixed for the

1 hearing. Where personal service cannot be effected, service
 2 may be effected by publication. At such hearing, the accused
 3 shall have the right to appear personally or by counsel, to
 4 cross-examine witnesses against the accused, and to produce
 5 evidence and witnesses in defense. After the hearing, the
 6 board may suspend or revoke the certificate of licensure. The
 7 board may restore the certificate of licensure to any person
 8 whose certificate of licensure has been revoked. Application
 9 for the restoration of a certificate of licensure shall be made
 10 in such manner, form, and content as the board may prescribe.

11 Sec. 2030. Section 546.2, subsection 6, unnumbered
 12 paragraph 1, Code 2023, is amended to read as follows:

13 Each division is responsible for policymaking and
 14 enforcement duties assigned to the division under the law.

15 ~~Except as provided in section 546.10, subsection 3-~~

16 Sec. 2031. Section 546.3, subsection 1, Code 2023, is
 17 amended to read as follows:

18 1. The banking division shall regulate and supervise banks
 19 under chapter 524, debt management licensees under chapter
 20 533A, money services under chapter 533C, delayed deposit
 21 services under chapter 533D, mortgage bankers and brokers
 22 under chapter 535B, regulated loan companies under chapter
 23 536, and industrial loan companies under chapter 536A, ~~real~~
 24 ~~estate appraisers under chapter 543D, and appraisal management~~
 25 ~~companies under chapter 543E,~~ and shall perform other duties
 26 assigned to the division by law. The division is headed by the
 27 superintendent of banking who is appointed pursuant to section
 28 524.201. The state banking council shall render advice within
 29 the division when requested by the superintendent.

30 Sec. 2032. Section 600.2, subsection 2, Code 2023, is
 31 amended to read as follows:

32 2. "*Investigator*" means a natural person who is certified or
 33 approved by the department of human services, after inspection
 34 by the department of inspections, and appeals, and licensing,
 35 as being capable of conducting an investigation under section

1 600.8.

2 Sec. 2033. Section 600A.2, subsection 5, Code 2023, is
3 amended to read as follows:

4 5. "*Certified adoption investigator*" means a person who is
5 certified and approved by the department of human services,
6 after inspection by the department of inspections, and appeals,
7 and licensing, as being capable of conducting an investigation
8 under section 600.8.

9 Sec. 2034. Section 626.29, Code 2023, is amended to read as
10 follows:

11 **626.29 Distress warrant by director of revenue, director of**
12 **inspections, and appeals, and licensing, or director of workforce**
13 **development.**

14 In the service of a distress warrant issued by the director
15 of revenue for the collection of taxes administered by or debts
16 to be collected by the department of revenue, in the service of
17 a distress warrant issued by the director of inspections, and
18 appeals, and licensing for the collection of overpayment debts
19 owed to the department of human services, or in the service of
20 a distress warrant issued by the director of the department of
21 workforce development for the collection of employment security
22 contributions, the property of the taxpayer or the employer in
23 the possession of another, or debts due the taxpayer or the
24 employer, may be reached by garnishment.

25 Sec. 2035. Section 626.30, Code 2023, is amended to read as
26 follows:

27 **626.30 Expiration or return of distress warrant.**

28 Proceedings by garnishment under a distress warrant issued
29 by the director of revenue or the director of inspections, and
30 appeals, and licensing shall not be affected by the expiration
31 or return of the warrant.

32 Sec. 2036. Section 626.31, Code 2023, is amended to read as
33 follows:

34 **626.31 Return of garnishment — action docketed — distress**
35 **action.**

1 Where parties have been garnished under a distress
 2 warrant issued by the director of revenue or the director of
 3 inspections, and appeals, and licensing, the officer shall make
 4 return thereof to the court in the county where the garnishee
 5 lives, if the garnishee lives in Iowa, otherwise in the county
 6 where the taxpayer resides, if the taxpayer lives in Iowa;
 7 and if neither the garnishee nor the taxpayer lives in Iowa,
 8 then to the district court in Polk county, Iowa; the officer
 9 shall make return in the same manner as a return is made on
 10 a garnishment made under a writ of execution so far as they
 11 relate to garnishments, and the clerk of the district court
 12 shall docket an action thereon without fee the same as if a
 13 judgment had been recovered against the taxpayer in the county
 14 where the return is made, an execution issued thereon, and
 15 garnishment made thereunder, and thereafter the proceedings
 16 shall conform to proceedings in garnishment under attachments
 17 as nearly as may be. The warrant shall be considered in all
 18 respects as a final judgment.

19 Sec. 2037. Section 626.76, Code 2023, is amended to read as
 20 follows:

21 **626.76 Labor commissioner Department of inspections, appeals,**
 22 **and licensing director to represent.**

23 ~~The labor commissioner, appointed pursuant to section~~
 24 ~~91.2~~ director of the department of inspections, appeals,
 25 and licensing, may, at the ~~labor commissioner's~~ director's
 26 discretion, represent laborers or employees seeking payment for
 27 labor or wage claims from the receiver, trustee, or assignee,
 28 or the court, or the person charged with the property, in
 29 accordance with and subject to the provisions of sections
 30 626.69 and 626.71.

31 Sec. 2038. Section 724.21A, subsections 1 and 6, Code 2023,
 32 are amended to read as follows:

33 1. In any case where the sheriff or the commissioner of
 34 public safety denies an application for or suspends or revokes
 35 a permit to carry weapons or a permit to acquire pistols

1 or revolvers, the sheriff or commissioner shall provide a
 2 written statement of the reasons for the denial, suspension, or
 3 revocation and the applicant or permit holder shall have the
 4 right to appeal the denial, suspension, or revocation to an
 5 administrative law judge in the department of inspections, and
 6 appeals, and licensing within thirty days of receiving written
 7 notice of the denial, suspension, or revocation.

8 6. The department of inspections, and appeals, and
 9 licensing shall adopt rules pursuant to chapter 17A as
 10 necessary to carry out the provisions of this section.

11 Sec. 2039. Section 729.6, subsection 9, paragraph a, Code
 12 2023, is amended to read as follows:

13 a. Investigating a workers' compensation claim under chapter
 14 10A, subchapter III, and chapters 85, 85A, and 85B, ~~and 86.~~

15 Sec. 2040. Section 815.11, subsection 1, Code 2023, is
 16 amended to read as follows:

17 1. Costs incurred for legal representation by a
 18 court-appointed attorney under chapter 229A, 665, 822, or 908,
 19 or section 232.141, subsection 3, paragraph "d", or section
 20 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
 21 815.10 on behalf of an indigent shall be paid from moneys
 22 appropriated by the general assembly to the office of the state
 23 public defender in the department of inspections, and appeals,
 24 and licensing and deposited in an account to be known as the
 25 indigent defense fund, except as provided in subsection 2.
 26 Costs incurred representing an indigent defendant in a contempt
 27 action, representing an indigent juvenile in a juvenile court
 28 proceeding, or representing a person pursuant to section 13B.13
 29 are also payable from the fund. However, costs incurred in any
 30 administrative proceeding or in any other proceeding under this
 31 chapter or chapter 598, 600, 600A, 633, 633A, 814, or 915 or
 32 other provisions of the Code or administrative rules are not
 33 payable from the fund.

34 Sec. 2041. Section 915.83, subsection 4, Code 2023, is
 35 amended to read as follows:

1 4. Request from the department of human services, the
2 department of workforce development ~~and its~~, the division
3 of workers' compensation of the department of inspections,
4 appeals, and licensing, the department of public safety, the
5 county sheriff departments, the municipal police departments,
6 the county attorneys, or other public authorities or agencies
7 reasonable assistance or data necessary to administer the crime
8 victim compensation program.

9 Sec. 2042. 2020 Iowa Acts, chapter 1064, section 16,
10 subsection 4, is amended to read as follows:

11 4. *Priority.* In the case of multiple claims to payments
12 filed under this section, priority shall be given to claims
13 filed by the child support recovery unit or the foster care
14 recovery unit, next priority shall be given to claims filed
15 by the clerk of the district court, next priority shall be
16 given to claims filed by the ~~investigations division of the~~
17 department of inspections, and appeals, and licensing relating
18 to investigations by the department, next priority shall be
19 given to claims that will be deposited into the state general
20 fund, and last priority shall be given to claims filed by other
21 public agencies. In the case of multiple claims in which the
22 priority is not otherwise provided by this subsection, priority
23 shall be determined in accordance with rules to be established
24 by the department.

25 Sec. 2043. CODE EDITOR DIRECTIVE.

26 1. The Code editor is directed to make the following
27 transfers:

28 a. Section 92.1 to section 92.1A.

29 b. Section 92.1B to section 92.1.

30 2. The Code editor shall correct internal references in the
31 Code and in any enacted legislation as necessary due to the
32 enactment of this section.

33 Sec. 2044. CONTINGENT EFFECTIVE DATE. The following takes
34 effect on the effective date of the rules adopted by the
35 department of revenue pursuant to chapter 17A implementing 2020

1 Iowa Acts, chapter 1064, other than transitional rules:

2 The section of this division of this Act amending 2020 Iowa
3 Acts, chapter 1064.

4 DIVISION IV

5 DEPARTMENT OF JUSTICE

6 Sec. 2045. Section 6B.18, subsection 3, Code 2023, is
7 amended to read as follows:

8 3. In case of condemnation proceedings instituted by the
9 state department of transportation, when the owner appeals from
10 the assessment made, such notice of appeal shall be served upon
11 the attorney general, ~~or the department general counsel to~~
12 ~~the state department of transportation,~~ or the chief highway
13 engineer for the department.

14 Sec. 2046. Section 8A.412, subsection 11, Code 2023, is
15 amended to read as follows:

16 11. Professional employees under the supervision of the
17 attorney general, the state public defender, the secretary
18 of state, the auditor of state, the treasurer of state, and
19 the public employment relations board. ~~However, employees of~~
20 ~~the consumer advocate division of the department of justice,~~
21 ~~other than the consumer advocate, and administrative law judges~~
22 ~~appointed or employed by the public employment relations board~~
23 ~~are subject to the merit system.~~

24 Sec. 2047. Section 13.2, subsection 1, paragraphs b and o,
25 Code 2023, are amended to read as follows:

26 b. Prosecute and defend in any other court or tribunal,
27 all actions and proceedings, civil or criminal, in which the
28 state may be a party or interested, when, in the attorney
29 general's judgment, the interest of the state requires such
30 action, or when requested to do so by the governor, executive
31 council, or general assembly. The attorney general may
32 prosecute a criminal proceeding on behalf of the state even if
33 a county attorney does not request the attorney general to act
34 as a county attorney in a proceeding under section 331.754,
35 subsection 7.

1 o. Submit a report by January 15 of each year to the
 2 co-chairpersons and ranking members of the joint appropriations
 3 subcommittee on the justice system, to the executive council,
 4 and to the legislative services agency detailing ~~the amount of~~
 5 ~~annual money receipts generated by each settlement or judgment~~
 6 ~~in excess of two hundred fifty thousand dollars collected~~
 7 ~~pursuant to legal proceedings under chapters 455B, 553, and 714~~
 8 all money settlement awards and court money awards that were
 9 awarded to the state of Iowa. The report shall ~~include the~~
 10 ~~name of the civil or criminal case involved, the~~ specify the
 11 parties to each settlement or court proceeding, any court of
 12 jurisdiction, the settlement amount, the state's share of the
 13 settlement amount, the name of the fund in which the receipts
 14 were deposited, and the planned use of the moneys.

15 Sec. 2048. Section 13.4, Code 2023, is amended to read as
 16 follows:

17 **13.4 Assistant and deputy attorneys general.**

18 The attorney general may appoint a ~~first assistant~~ chief
 19 deputy attorney general and such other deputy and assistant
 20 attorneys general as may be authorized by law, who shall devote
 21 their entire time to the duties of their positions. The deputy
 22 and assistant attorneys general shall, subject to the direction
 23 of the attorney general, have the same power and authority as
 24 the attorney general.

25 Sec. 2049. Section 13.6, Code 2023, is amended by striking
 26 the section and inserting in lieu thereof the following:

27 **13.6 Agency reimbursement for legal services.**

28 The attorney general may charge departments, agencies, and
 29 other state governmental entities for the cost of performing
 30 legal services for the department, agency, or governmental
 31 entity. Upon request of the attorney general, a department
 32 or agency shall provide and equip a suitable office for an
 33 assistant attorney general or other staff providing legal
 34 services exclusively for that department or agency.

35 Sec. 2050. Section 13.7, subsection 1, Code 2023, is amended

1 to read as follows:

2 1. ~~Compensation shall not be allowed to any person for~~
3 ~~services as an attorney or counselor to an executive department~~
4 ~~of the state government, or the head of an executive department~~
5 ~~of state government, or to a state board or commission A~~
6 department, agency, or other state governmental entity shall
7 not contract for legal services to be provided by a private
8 attorney unless authorized by the executive council under
9 this section or section 13.3. However, the The executive
10 council may authorize employment of legal assistance, at a
11 reasonable compensation, in a pending action or proceeding to
12 protect the interests of the state, but only upon a sufficient
13 showing, in writing, made by the attorney general, that the
14 department of justice cannot for reasons stated by the attorney
15 general perform the service. The reasons and action of the
16 executive council shall be entered upon its records. If the
17 attorney general determines that the department of justice
18 cannot perform legal service in an action or proceeding,
19 the executive council shall request the department involved
20 in the action or proceeding to recommend legal counsel to
21 represent the department. If the attorney general concurs with
22 the department that the person recommended is qualified and
23 suitable to represent the department, the person recommended
24 shall be employed. If the attorney general does not concur
25 in the recommendation, the department shall submit a new
26 recommendation. ~~This subsection does not affect the general~~
27 ~~counsel for the utilities board of the department of commerce,~~
28 ~~the legal counsel of the department of workforce development,~~
29 ~~or the general counsel for the property assessment appeal~~
30 ~~board.~~

31 Sec. 2051. Section 13.9, Code 2023, is amended to read as
32 follows:

33 **13.9 Salary.**

34 The salary of the attorney general shall be as fixed by
35 the general assembly, and the salaries of the ~~first assistant~~

1 chief deputy attorney general and other deputy and assistant
2 attorneys general shall be such as may be fixed by law.

3 Sec. 2052. Section 13.11, Code 2023, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **13.11 Exclusive criminal jurisdiction over election crimes.**

6 Notwithstanding any provision of law to the contrary, the
7 attorney general shall have exclusive jurisdiction to prosecute
8 all criminal proceedings under chapter 39A.

9 Sec. 2053. Section 20.4, subsection 9, Code 2023, is amended
10 to read as follows:

11 9. Persons employed by the state department of justice,
12 ~~except nonsupervisory employees of the consumer advocate~~
13 ~~division who are employed primarily for the purpose of~~
14 ~~performing technical analysis of nonlegal issues.~~

15 Sec. 2054. Section 25.1, subsection 2, unnumbered paragraph
16 1, Code 2023, is amended to read as follows:

17 The state appeal board shall make a record of the receipt
18 of claims received from the director of the department of
19 management, notify the ~~special assistant~~ attorney general ~~for~~
20 ~~claims~~, and deliver a copy to the state official or agency
21 against whom the claim is made, if any.

22 Sec. 2055. Section 25.1, subsection 2, paragraph a, Code
23 2023, is amended to read as follows:

24 a. The official or agency shall report its recommendations
25 concerning the claim to the ~~special assistant~~ attorney general
26 ~~for claims~~ who, with a view to determining the merits and
27 legality of the claim, shall investigate the claim and report
28 the findings and conclusions of the investigation to the state
29 appeal board.

30 Sec. 2056. Section 25.2, subsection 1, unnumbered paragraph
31 1, Code 2023, is amended to read as follows:

32 The state appeal board with the recommendation of the
33 ~~special assistant~~ attorney general ~~for claims~~ may approve
34 or reject claims against the state of less than five years
35 involving the following:

1 Sec. 2057. Section 25.3, Code 2023, is amended to read as
2 follows:

3 **25.3 Filing with general assembly — testimony.**

4 On the second day after the convening of each regular
5 session of the general assembly, the state appeal board shall
6 file with the clerk of the house of representatives and the
7 secretary of the senate a list of all claims rejected by the
8 state appeal board together with a copy of the report made
9 to it by the ~~special assistant~~ attorney general for claims
10 and its recommendation thereon for each claim, which report
11 and recommendation shall be delivered to the claims committee
12 of the house and senate. Any testimony taken by the ~~special~~
13 ~~assistant~~ attorney general for claims shall be preserved by the
14 state appeal board and made available to the claims committee
15 of the general assembly.

16 Sec. 2058. Section 25.4, Code 2023, is amended to read as
17 follows:

18 **25.4 ~~Assistant attorney~~ Attorney general — salary.**

19 The attorney general shall ~~appoint a special assistant~~
20 ~~attorney general for claims who shall, under the direction of~~
21 ~~the attorney general,~~ investigate and report on all claims
22 between the state and other parties, which may be referred to
23 the state appeal board, and on any other claims or matters
24 which the state appeal board ~~or the attorney general~~ may
25 direct.

26 Sec. 2059. Section 25.5, Code 2023, is amended to read as
27 follows:

28 **25.5 Testimony — filing with board.**

29 The ~~special assistant~~ attorney general for claims shall
30 fully investigate each claim and the facts upon which same
31 is based and may take testimony in the form of affidavits or
32 otherwise, and in connection therewith shall ex officio be
33 empowered to administer oaths, to compel the attendance of
34 witnesses and certify to any district court for contempt. All
35 testimony, affidavits, and other papers in connection with

1 a claim, obtained by the ~~special-assistant~~ attorney general
2 ~~for claims~~ in making an investigation shall be filed with the
3 report to the state appeal board.

4 Sec. 2060. Section 25.6, Code 2023, is amended to read as
5 follows:

6 **25.6 Claims by state against municipalities.**

7 The state appeal board may investigate and collect claims
8 which the state has against municipal or political corporations
9 in the state including counties, cities, townships, and school
10 corporations. The board shall refer any such claim to the
11 ~~special-assistant~~ attorney general ~~for claims~~, when the claim
12 has not been promptly paid, and if the ~~special-assistant~~
13 attorney general ~~for claims~~ is not able to collect the full
14 amount of the claim, the ~~special-assistant~~ attorney general
15 shall fully investigate and report to the state appeal board
16 findings of fact and conclusions of law, together with any
17 recommendation as to the claim. Thereafter the state appeal
18 board may effect a compromise settlement with the debtor in an
19 amount and under terms as the board deems just and equitable
20 in view of the findings and conclusions reported to it. If
21 the state appeal board is unable to collect a claim in full
22 or effect what it has determined to be a fair compromise, it
23 shall deliver the claim to the attorney general for action
24 as the attorney general shall determine ~~and the special~~
25 ~~assistant attorney general for claims is specifically charged~~
26 ~~with carrying out the directions of the attorney general with~~
27 ~~reference to the claim.~~ When a claim is compromised by the
28 state appeal board, the board shall file with the department
29 of management and the department of administrative services a
30 statement as to the settlement, together with a true copy of
31 the agreement of settlement, and if in settlement an amount
32 less than the face amount is accepted in full, the proper
33 entries shall be made in the books of the department of
34 management, the department of administrative services, and the
35 auditor of state showing the amount of the claim, the amount of

1 the settlement, and the amount charged off.

2 Sec. 2061. Section 39A.6, subsection 4, Code 2023, is
3 amended to read as follows:

4 4. Upon issuing a technical infraction, the state
5 commissioner shall immediately inform the attorney general and
6 ~~relevant county attorney~~ if the apparent violation constitutes
7 or may constitute election misconduct under this chapter.

8 Sec. 2062. Section 39A.7, Code 2023, is amended to read as
9 follows:

10 **39A.7 Election misconduct — investigation.**

11 1. The attorney general ~~or county attorney~~ shall
12 investigate allegations of election misconduct reported to the
13 attorney general ~~or county attorney~~. Election misconduct by an
14 election official shall also be investigated for prosecution
15 under chapter 721.

16 2. Upon the completion of an investigation required by this
17 section, the attorney general ~~or county attorney~~ shall submit
18 the results of the investigation to the state commissioner and
19 explain whether the attorney general ~~or county attorney~~ will
20 pursue charges.

21 Sec. 2063. Section 48A.41, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. If in the course of an audit under this section the state
24 registrar of voters finds that a commissioner of registration
25 has failed to perform required voter list maintenance,
26 the state registrar of voters shall submit the audit to
27 the ~~relevant county attorney and~~ attorney general within
28 twenty-four hours for investigation of a violation of section
29 39A.3, subsection 1, paragraph "b", subparagraph (9), or other
30 provision of law.

31 Sec. 2064. Section 80.1, Code 2023, is amended to read as
32 follows:

33 **80.1 Department created.**

34 There is hereby created a department of the state government
35 which shall be known and designated as the department of public

1 safety, which shall consist of a commissioner of public safety
 2 and of such officers and employees as may be required, ~~one of~~
 3 ~~whom shall be an attorney admitted to practice law in this~~
 4 ~~state. Such attorney shall be an assistant attorney general~~
 5 ~~appointed by the attorney general who shall fix the assistant's~~
 6 ~~salary. The department shall reimburse the attorney general~~
 7 ~~for the salary and expense of such assistant attorney general~~
 8 ~~and furnish the assistant a suitable office if requested by the~~
 9 ~~attorney general.~~

10 Sec. 2065. Section 307.23, Code 2023, is amended to read as
 11 follows:

12 **307.23 General Legal counsel.**

13 1. ~~The general counsel shall be a special assistant attorney~~
 14 ~~general appointed by the attorney general who shall act as the~~
 15 ~~attorney for the department. The general counsel shall have~~
 16 ~~the following duties and responsibilities~~ It shall be the duty
 17 of the attorney general to do all of the following:

18 a. Act as legal advisor to the department, commission, and
 19 the director.

20 b. Provide all legal services for the department.

21 2. The attorney general shall appoint ~~additional~~ assistant
 22 attorneys general as ~~the director deems~~ necessary to carry
 23 out the these duties assigned to the office of the general
 24 counsel. ~~The salary of the general counsel shall be fixed by~~
 25 ~~the director, subject to the approval of the attorney general.~~
 26 ~~The director shall provide and furnish a suitable office for~~
 27 ~~the general counsel upon request of the attorney general.~~

28 Sec. 2066. Section 327C.30, Code 2023, is amended to read
 29 as follows:

30 **327C.30 Duty of department, general counsel attorney general,**
 31 **and county attorney.**

32 When any proceeding has been instituted under sections
 33 327C.28 and 327C.29, the ~~department~~ attorney general counsel
 34 shall prosecute the same, and the county attorney of the
 35 county in which such proceeding is pending shall render such

1 assistance as the ~~department~~ attorney general ~~counsel~~ may
2 require.

3 Sec. 2067. Section 331.756, subsection 49, Code 2023, is
4 amended to read as follows:

5 49. Assist, upon request, the ~~department of~~
6 ~~transportation's~~ attorney general ~~counsel~~ in the prosecution of
7 violations of common carrier laws and regulations as provided
8 in section 327C.30.

9 Sec. 2068. Section 475A.1, subsections 1 and 2, Code 2023,
10 are amended to read as follows:

11 1. *Appointment.* The attorney general shall appoint a
12 ~~competent attorney to the office of~~ consumer advocate, who
13 shall serve at the pleasure of the attorney general, subject to
14 confirmation by the senate, no less frequently than once every
15 four years, in accordance with section 2.32. The consumer
16 advocate is the chief administrator of the consumer advocate
17 division of the department of justice. ~~The advocate's term of~~
18 ~~office is for four years. The term begins and ends in the same~~
19 ~~manner as set forth in section 69.19.~~

20 2. *Vacancy.* If a vacancy occurs in the office of consumer
21 advocate, the vacancy shall be filled ~~for the unexpired term~~ in
22 the same manner as an original appointment under the procedures
23 of section 2.32.

24 Sec. 2069. Section 475A.1, subsection 5, Code 2023, is
25 amended by striking the subsection.

26 Sec. 2070. Section 475A.2, subsections 2 and 5, Code 2023,
27 are amended to read as follows:

28 2. ~~Act as attorney for and represent~~ Represent the interests
29 of all consumers generally and the public generally in all
30 proceedings before the utilities board.

31 5. ~~Act as attorney for and represent~~ Represent the
32 interests of all consumers generally and the public generally
33 in proceedings before federal and state agencies and related
34 judicial review proceedings and appeals, at the discretion of
35 the consumer advocate.

1 Sec. 2071. Section 475A.3, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. *Employees.* The ~~consumer advocate~~ attorney general
4 may employ attorneys, legal assistants, secretaries, clerks,
5 and other employees ~~the consumer advocate finds~~ necessary
6 for the full and efficient discharge of the duties and
7 responsibilities of the ~~office~~ consumer advocate division. The
8 consumer advocate may employ consultants as expert witnesses
9 or technical advisors pursuant to contract as the consumer
10 advocate finds necessary for the full and efficient discharge
11 of the duties of the office. ~~Employees of the consumer~~
12 ~~advocate division, other than the consumer advocate, are~~
13 ~~subject to merit employment, except as provided in section~~
14 ~~8A.412.~~

15 Sec. 2072. REPEAL. Section 13.5, Code 2023, is repealed.

16 Sec. 2073. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION V

19 ECONOMIC DEVELOPMENT AUTHORITY

20 CULTURAL AFFAIRS

21 Sec. 2074. Section 7E.5, subsection 1, paragraph g, Code
22 2023, is amended to read as follows:

23 g. The economic development authority, created in section
24 15.105, which has responsibility for ensuring that the
25 economic development policies of the state are effectively and
26 efficiently carried out, and for managing the state's interest
27 in the areas of the arts, history, and other cultural matters.

28 Sec. 2075. Section 7E.5, subsection 1, paragraph 1, Code
29 2023, is amended by striking the paragraph.

30 Sec. 2076. Section 8A.412, subsection 14, Code 2023, is
31 amended by striking the subsection.

32 Sec. 2077. Section 15.108, subsection 5, paragraph c, Code
33 2023, is amended to read as follows:

34 c. Coordinate and develop with the department of
35 transportation, the department of natural resources, the

1 ~~department of cultural affairs,~~ the enhance Iowa board,
 2 other state agencies, and local and regional entities public
 3 interpretation, marketing, and education programs that
 4 encourage Iowans and out-of-state visitors to participate in
 5 the recreational and leisure opportunities available in Iowa.
 6 The authority shall establish and administer a program that
 7 helps connect both Iowa residents and residents of other states
 8 to new and existing Iowa experiences as a means to enhance the
 9 economic, social, and cultural well-being of the state. The
 10 program shall include a broad range of new opportunities, both
 11 rural and urban, including main street destinations, green
 12 space initiatives, and artistic and cultural attractions.

13 Sec. 2078. Section 15.108, subsection 5, paragraph 1, Code
 14 2023, is amended by striking the paragraph.

15 Sec. 2079. Section 15.108, subsection 9, Code 2023, is
 16 amended by striking the subsection and inserting in lieu
 17 thereof the following:

18 9. *Cultural affairs.* To develop the state's interest in
 19 the areas of the arts, history, and other cultural matters. To
 20 carry out this responsibility, the authority shall:

21 a. Accept, receive, and administer grants or other funds or
 22 gifts from public or private agencies, including the federal
 23 government, for the authority.

24 b. Administer the Iowa cultural trust, as advised and
 25 assisted by the Iowa arts council, as provided in chapter 303A,
 26 and do all of the following:

27 (1) Develop and adopt by rule criteria for the issuance
 28 of trust fund credits by measuring the efforts of qualified
 29 organizations to increase their endowment or other resources
 30 for the promotion of the arts, history, or the sciences and
 31 humanities in Iowa. For purposes of this paragraph, "*qualified*
 32 *organization*" means a tax-exempt, nonprofit organization
 33 whose primary mission is to promote the arts, history, or the
 34 sciences and humanities in Iowa. If the authority determines
 35 that a qualified organization has increased the amount of the

1 qualified organization's endowment and other resources, the
2 authority shall certify the amount of increase in the form of
3 trust fund credits to the treasurer, who shall deposit in the
4 Iowa cultural trust fund, from moneys received for purposes
5 of the trust fund as provided in section 303A.4, subsection
6 2, an amount equal to the trust fund credits. If the amount
7 of the trust fund credits issued by the authority exceeds the
8 amount of moneys available to be deposited in the trust fund as
9 provided in section 303A.4, subsection 2, the outstanding trust
10 fund credits shall not expire but shall be available to draw
11 down additional moneys which become available to be deposited
12 in the trust fund as provided in section 303A.4, subsection 2.

13 (2) Develop and implement, in accordance with subchapter
14 II, part 30, a grant application process for grants issued to
15 qualified organizations.

16 (3) Develop and adopt by rule criteria for the approval of
17 Iowa cultural trust grants. The criteria shall include but
18 shall not be limited to the future stability and sustainability
19 of a qualified organization.

20 (4) Compile, in consultation with the Iowa arts council,
21 a list of grant applications recommended for funding in
22 accordance with the amount available for distribution as
23 provided in section 303A.6, subsection 3. The list of
24 recommended grant applications shall be submitted to the Iowa
25 cultural trust board of trustees for approval.

26 (5) Monitor the allocation and use of grant moneys by all
27 qualified organizations to determine whether moneys are used
28 in accordance with the provisions of this paragraph "b" and
29 subchapter II, part 30. The authority shall annually submit
30 a report with the authority's findings and recommendations to
31 the Iowa cultural trust board of trustees prior to final board
32 action in approving grants for the next succeeding fiscal year.

33 c. Design a comprehensive, statewide, long-range plan with
34 the assistance of the Iowa arts council to develop the arts
35 in Iowa. The authority is designated as the state agency for

1 carrying out the plan.

2 *d.* By rule, establish advisory groups as necessary for the
3 receipt of federal funds or grants or the administration of any
4 of the authority's programs.

5 *e.* Develop and implement fee-based educational programming
6 opportunities, including preschool programs, related to arts,
7 history, and other cultural matters for Iowans of all ages.

8 *f.* Conduct surveys of existing art and cultural programs
9 and activities within the state, including but not limited to
10 music, theater, dance, painting, sculpture, architecture, and
11 allied arts and crafts. The authority shall submit a report
12 on the survey to the governor and to the general assembly no
13 later than ten calendar days after the commencement of each
14 first session of the general assembly recommending appropriate
15 legislation or other action as the authority deem appropriate.

16 *g.* Establish and administer a film office. The purpose
17 of the film office is to assist legitimate film, television,
18 and video producers in the production of film, television, and
19 video projects in the state, and to increase the fiscal impact
20 on the state's economy of film, television, and video projects
21 produced in the state.

22 Sec. 2080. Section 15.108, Code 2023, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 12. *Miscellaneous.* To provide other
25 necessary services, the authority shall do all of the
26 following:

27 *a.* Collect and assemble, or cause to have collected and
28 assembled, all pertinent information available regarding the
29 industrial, agricultural, and public and private recreation
30 and tourism opportunities and possibilities of the state
31 of Iowa, including raw materials and products that may be
32 produced from the raw materials; power and water resources;
33 transportation facilities; available markets; the banking and
34 financing facilities; the availability of industrial sites; the
35 advantages of the state as a whole, and particular sections

1 of the state, as industrial locations; the development of a
2 grain alcohol motor fuel industry and its related products;
3 and other fields of research and study as the board deems
4 necessary. This information shall consider the encouragement
5 of new industrial enterprises in the state and the expansion
6 of industries now existing within the state, and allied fields
7 to those industries. The information shall also consider the
8 changing composition of the Iowa family, the level of poverty
9 among different age groups, and different family structures in
10 Iowa society and their impact on Iowa families.

11 *b.* Apply for, receive, contract for, and expend federal
12 funds and grants, and funds and grants from other sources.

13 *c.* Except as otherwise provided in sections 8A.110, 260C.14,
14 and 262.9, provide that an inventor whose research is funded
15 in whole or in part by the state shall assign to the state a
16 proportionate part of the inventor's rights to a letter patent
17 resulting from that research. The state's portion of the
18 royalties or earnings derived from a letter patent shall be
19 paid to the treasurer of state and credited by the treasurer to
20 the general fund of the state. The authority, in conjunction
21 with other state agencies including the board of regents,
22 shall provide incentives to inventors whose research is funded
23 in whole or in part by the state to encourage the inventors
24 to have the invented products produced in the state. The
25 incentives may include the state receiving a smaller portion of
26 the inventor's royalties or earnings than would otherwise occur
27 under this paragraph or other provisions of law.

28 *d.* Administer or oversee federal rural economic development
29 programs in the state.

30 *e.* At the director's discretion, accept payment by
31 credit card of any fees, interest, penalties, subscriptions,
32 registrations, purchases, or other payments, or any portion of
33 such payments, which are due or collected by the authority.
34 The authority may adjust the amount of the payment to reflect
35 the costs of processing the payment as determined by the

1 treasurer of state. Payment by credit card shall include, in
2 addition to all other charges, any discount charged by the
3 credit card issuer.

4 *f.* Provide technical assistance to individuals who
5 are pursuing the purchase and operation of employee-owned
6 businesses.

7 *g.* Administer the Iowa energy center established in section
8 15.120. This paragraph "*g*" is repealed July 1, 2027.

9 *h.* Administer the partner state program created in section
10 15.421.

11 Sec. 2081. Section 15.274, Code 2023, is amended to read as
12 follows:

13 **15.274 Promotional program for national historic landmarks**
14 **and cultural and entertainment districts.**

15 The economic development authority, in cooperation with
16 the state department of transportation ~~and the department of~~
17 ~~cultural affairs~~, shall establish and administer a program
18 designed to promote knowledge of and access to buildings,
19 sites, districts, structures, and objects located in this state
20 that have been designated by the secretary of the interior
21 of the United States as a national historic landmark, unless
22 the national historic landmark is protected under section
23 22.7, subsection 20, and certified cultural and entertainment
24 districts, as established pursuant to section 303.3B. The
25 program shall be designed to maximize the visibility and
26 visitation of national historic landmarks in this state and
27 buildings, sites, structures, and objects located in certified
28 cultural and entertainment districts, as established pursuant
29 to section 303.3B. Methods used to maximize the visibility and
30 visitation of such locations may include the use of tourism
31 literature, signage on highways, maps of the state and cities,
32 and internet sites. For purposes of this section, "*highway*"
33 means the same as defined in section 325A.1.

34 Sec. 2082. Section 99F.11, subsection 4, paragraph d,
35 subparagraph (1), Code 2023, is amended to read as follows:

1 (1) Five hundred twenty thousand dollars is appropriated
2 each fiscal year to the ~~department of cultural affairs~~ economic
3 development authority with one-half of the moneys allocated for
4 operational support grants and the remaining one-half allocated
5 for the community cultural grants program established under
6 section 303.3.

7 Sec. 2083. Section 103A.45, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. Consult with state agencies, including the state
10 ~~fire marshal~~ department of inspections, appeals, and
11 licensing and the ~~department of cultural affairs~~ economic
12 development authority, governmental subdivisions, architects,
13 engineers, and others who have knowledge of or interest in the
14 rehabilitation, preservation, restoration, and relocation of
15 historic buildings, with respect to matters relating to the
16 state historic building code.

17 Sec. 2084. Section 303.3, subsections 1 and 2, Code 2023,
18 are amended to read as follows:

19 1. The ~~department~~ authority shall establish a grant program
20 for cities and nonprofit, tax-exempt community organizations
21 for the development of community programs that provide local
22 jobs for Iowa residents and also promote Iowa's historic,
23 ethnic, and cultural heritages through the development
24 of festivals, music, drama, cultural programs, or tourist
25 attractions. A city or nonprofit, tax-exempt community
26 organization may submit an application to the ~~department~~
27 authority for review. The ~~department~~ authority shall establish
28 criteria for the review and approval of grant applications.
29 The amount of a grant shall not exceed fifty percent of
30 the cost of the community program. Each application shall
31 include information demonstrating that the city or nonprofit,
32 tax-exempt community organization will provide matching funds
33 of fifty percent of the cost of the program. The matching
34 funds requirement may be met by substituting in-kind services,
35 based on the value of the services, for actual dollars.

1 2. The ~~department~~ authority shall establish a grant program
 2 which provides general operating budget support to major,
 3 ~~multidisciplined~~ multidisciplinary cultural organizations
 4 ~~which that~~ demonstrate cultural and managerial excellence
 5 on a continuing basis to the citizens of Iowa. Applicant
 6 organizations must be incorporated under chapter 504, be exempt
 7 from federal taxation, and not be attached or affiliated with
 8 an educational institution. Eligible organizations shall
 9 be operated on a year-round basis and employ at least one
 10 full-time, paid professional staff member. The ~~department~~
 11 authority shall establish criteria for review and approval
 12 of grant applications. Criteria established shall include,
 13 but are not limited to, a matching funds requirement. The
 14 matching funds requirement shall permit an applicant to meet
 15 the matching requirement by demonstrating that the applicant's
 16 budget contains funds, other than state and federal funds, in
 17 excess of the grant award.

18 Sec. 2085. Section 303.3A, subsection 1, paragraph c, Code
 19 2023, is amended by striking the paragraph.

20 Sec. 2086. Section 303.3A, subsections 2 and 3, Code 2023,
 21 are amended to read as follows:

22 2. The ~~department~~ authority shall administer regional
 23 conferences and a statewide caucus on arts and cultural
 24 enhancement. The purpose of the conferences and caucus is to
 25 encourage the development of the arts and culture in the state
 26 ~~by~~ in all of the following ways:

27 a. By identifying opportunities for programs involving
 28 education, outreach, and enhancement; ~~by.~~

29 b. By reviewing possible changes in enhancement program
 30 policies, programs, and funding; ~~and by.~~

31 c. By making recommendations to the ~~department~~ authority
 32 regarding funding allocations and priorities for arts and
 33 cultural enhancement.

34 3. a. Every four years beginning in June ~~2001~~ 2025, the
 35 ~~department~~ authority shall convene a statewide caucus on arts

1 and cultural enhancement.

2 ~~a.~~ b. Prior to the statewide caucus, the ~~department~~
3 authority shall make arrangements to hold a conference in each
4 of several regions of the state as determined by the Iowa arts
5 council. The ~~department~~ authority shall promote attendance
6 of interested persons at each conference. ~~A designee of~~
7 ~~the department shall serve as temporary chairperson until~~
8 ~~persons attending the conference elect a chairperson.~~ The
9 ~~department~~ authority shall provide persons attending the
10 conference with current information regarding cultural programs
11 and expenditures. Persons attending the conference shall
12 identify opportunities for programs in the areas of education,
13 outreach, and enhancement, and make recommendations in the
14 form of a resolution. The persons attending the conference
15 shall elect six persons from among the attendees to serve
16 as regional, voting delegates to the statewide caucus. The
17 conference attendees shall elect a chairperson from among the
18 six representatives. Other interested persons are encouraged
19 to attend the statewide caucus as nonvoting attendees.

20 ~~b.~~ c. The ~~department~~ authority shall charge a reasonable
21 fee for attendance at the statewide caucus on arts and cultural
22 enhancement.

23 ~~c.~~ d. A designee of the ~~department~~ authority shall call the
24 statewide caucus to order and serve as temporary chairperson
25 until persons attending the caucus elect a chairperson.
26 Persons attending the caucus shall discuss the recommendations
27 of the regional conferences and decide upon recommendations to
28 be made to the ~~department~~ authority and the general assembly.
29 Elected chairpersons of the regional conferences shall meet
30 with representatives of the ~~department~~ authority and present
31 the recommendations of the caucus.

32 Sec. 2087. Section 303.3B, Code 2023, is amended to read as
33 follows:

34 **303.3B Cultural and entertainment districts.**

35 1. The ~~department of cultural affairs~~ authority shall

1 establish and administer a cultural and entertainment district
2 certification program. The program shall encourage the growth
3 of communities through the development of areas within a city
4 or county for public and private uses related to cultural and
5 entertainment purposes.

6 2. A city or county may create and designate a cultural
7 and entertainment district subject to certification
8 by the ~~department of cultural affairs, in consultation~~
9 ~~with the economic development~~ authority. A cultural and
10 entertainment district is encouraged to include a unique form
11 of transportation within the district and for transportation
12 between the district and recreational trails. A cultural and
13 entertainment district certification shall remain in effect for
14 ten years following the date of certification. Two or more
15 cities or counties may apply jointly for certification of a
16 district that extends across a common boundary. Through the
17 adoption of ~~administrative~~ rules, the ~~department of cultural~~
18 ~~affairs~~ authority shall develop a certification application
19 for use in the certification process. The provisions of this
20 subsection relating to the adoption of ~~administrative~~ rules
21 shall be construed narrowly.

22 3. The ~~department of cultural affairs~~ authority shall
23 encourage development projects and activities located in
24 certified cultural and entertainment districts through
25 incentives under cultural grant programs pursuant to section
26 303.3, ~~chapter 303A~~ part 30, and any other applicable grant
27 programs.

28 Sec. 2088. Section 303.3C, subsection 1, paragraphs a, d,
29 and f, Code 2023, are amended to read as follows:

30 a. The ~~department of cultural affairs~~ authority shall
31 establish and administer an Iowa great places program for
32 purposes of combining resources of state government in an
33 effort to showcase the unique and authentic qualities of
34 communities, regions, neighborhoods, and districts that
35 make such places exceptional places to work and live. The

1 ~~department of cultural affairs~~ authority shall provide
2 administrative assistance to the Iowa great places board. The
3 ~~department of cultural affairs~~ authority shall coordinate
4 the efforts of the Iowa great places board with the efforts
5 of state agencies participating in the program which shall
6 include, but not be limited to, ~~the economic development~~
7 ~~authority~~, the Iowa finance authority, the department of
8 human rights, the department of natural resources, the state
9 department of transportation, and the department of workforce
10 development.

11 *d.* The ~~department of cultural affairs~~ authority shall work
12 in cooperation with the ~~vision Iowa and community attraction~~
13 ~~and tourism programs~~ enhance Iowa board for purposes of
14 maximizing and leveraging moneys appropriated to identified
15 Iowa great places.

16 *f.* The ~~department of cultural affairs~~ authority shall
17 account for any funds appropriated from the endowment for
18 Iowa's health restricted capitals fund for an identified Iowa
19 great place.

20 Sec. 2089. Section 303.3C, subsection 2, paragraph a, Code
21 2023, is amended to read as follows:

22 *a.* The Iowa great places board is established consisting of
23 twelve members. The board shall be located for administrative
24 purposes within the ~~department of cultural affairs~~ authority
25 and the director shall provide office space, staff assistance,
26 and necessary supplies and equipment for the board. The
27 director shall budget moneys to pay the compensation and
28 expenses of the board. In performing its functions, the board
29 is performing a public function on behalf of the state and is a
30 public instrumentality of the state.

31 Sec. 2090. Section 303.3D, subsections 1 and 3, Code 2023,
32 are amended to read as follows:

33 1. An Iowa great places program fund is created under the
34 ~~authority of the department of cultural affairs~~. The fund
35 shall consist of appropriations made to the fund and transfers

1 of interest, earnings, and moneys from other funds as provided
2 by law. Notwithstanding section 12C.7, subsection 2, interest
3 or earnings on investments or time deposits of the moneys in
4 the Iowa great places program fund shall be credited to the
5 Iowa great places program fund.

6 3. In awarding moneys the ~~department of cultural affairs~~
7 authority shall give consideration to the particular needs of
8 each identified Iowa great place.

9 Sec. 2091. Section 303.3E, Code 2023, is amended to read as
10 follows:

11 **303.3E Culture, history, and arts teams program.**

12 1. The ~~department of cultural affairs~~ authority shall
13 establish and administer a statewide program facilitating the
14 promotion of culture, history, and arts in Iowa. The program's
15 purpose shall be to encourage cooperation and collaboration
16 among the various state and local organizations working in
17 these areas to improve Iowa's quality of life.

18 2. The ~~department~~ authority shall implement the program
19 by working with the local organizations to establish local
20 committees. Each committee shall:

21 a. Include representatives from local organizations
22 dedicated to promoting culture, history, and arts.

23 b. Gather and disseminate information on the cultural,
24 historical, and arts opportunities in the regions.

25 c. Enhance communication among the local organizations.

26 d. Assist the staff members of local organizations in
27 obtaining technical and professional training.

28 3. The ~~department~~ authority shall assist local
29 organizations in the delivery of technical services,
30 professional training, and programming opportunities by working
31 with these committees.

32 Sec. 2092. Section 303.20, unnumbered paragraph 1, Code
33 2023, is amended to read as follows:

34 As used in this ~~subchapter of this chapter~~ part, unless the
35 context otherwise requires:

1 Sec. 2093. Section 303.20, subsections 2 and 3, Code 2023,
2 are amended to read as follows:

3 2. "*Commission*" is the five-person body, elected by the
4 registered voters in the historical preservation district from
5 persons living in the district for the purpose of administering
6 this ~~subchapter of this chapter~~ part.

7 3. "*District*" means a historical preservation district
8 established under this ~~subchapter of this chapter~~ part.

9 Sec. 2094. Section 303.20, subsection 4, Code 2023, is
10 amended by striking the subsection.

11 Sec. 2095. Section 303.21, Code 2023, is amended to read as
12 follows:

13 **303.21 Petition.**

14 1. The eligible voters in an area of asserted historical
15 significance may petition the ~~department~~ authority for a
16 referendum for the establishment of a district.

17 2. The petition must be signed by not less than ten percent
18 of the eligible voters ~~of~~ in the area of asserted historical
19 significance and shall contain both a description of the
20 property suggested for inclusion in the district and the
21 reasons justifying the creation of the district.

22 Sec. 2096. Section 303.22, Code 2023, is amended to read as
23 follows:

24 **303.22 Action by ~~department~~ the authority.**

25 1. The ~~department~~ authority shall hold a hearing not less
26 than thirty days ~~or~~ and not more than sixty days after the
27 petition is received. The ~~department~~ authority shall publish
28 notice of the hearing, at a reasonable time before the hearing
29 is to take place, and shall post notice of the hearing in a
30 reasonable number of places within the suggested district. The
31 cost of notification shall be paid by the persons who petition
32 for the establishment of a district.

33 2. At the hearing the ~~department~~ authority shall hear
34 interested persons, accept written presentations, and shall
35 determine whether the suggested district is an area of

1 historical significance which may properly be established as a
 2 historical preservation district pursuant to ~~the provisions of~~
 3 ~~this subchapter of this chapter part~~. The ~~department~~ authority
 4 may determine the boundaries which shall be established for the
 5 district. The ~~department~~ authority shall not include property
 6 which is not included in the suggested district unless the
 7 owner of the property is given an opportunity to be heard.

8 3. ~~The department, if it~~ If the authority determines that
 9 the suggested district meets the criteria for establishment
 10 as a historical preservation district, the authority shall
 11 indicate the owners of the property and residents included and
 12 shall forward a list of owners and residents to the county
 13 commissioner of elections.

14 4. If the ~~department~~ authority determines that the
 15 suggested district does not meet the criteria for establishment
 16 as a historical preservation district, ~~it~~ the authority shall
 17 so notify the petitioners.

18 Sec. 2097. Section 303.23, Code 2023, is amended to read as
 19 follows:

20 **303.23 Referendum.**

21 Within thirty days after the receipt of the list of owners
 22 of property and residents within the suggested historical
 23 preservation district, the ~~department~~ authority shall fix a
 24 date not more than forty-five days from the receipt of the
 25 petition seeking a referendum on the question of establishment
 26 of a historical preservation district. The ~~department~~
 27 authority, after consultation with the county commissioner of
 28 elections, shall specify the polling place within the suggested
 29 district that will best serve the convenience of the voters
 30 and shall appoint ~~from residents of the proposed district~~
 31 three judges and two clerks of election from residents of the
 32 proposed district.

33 Sec. 2098. Section 303.24, Code 2023, is amended to read as
 34 follows:

35 **303.24 Notice.**

1 The ~~department~~ authority, after consultation with the county
2 commissioner of elections, shall post notice of the referendum
3 in a reasonable number of places within the suggested district
4 a reasonable time before ~~it~~ the referendum is to take place.
5 The notice shall state the purpose of the referendum, a
6 description of the district, the date of the referendum, the
7 location of the polling place, and the hours ~~when~~ the polls
8 will be open and close.

9 Sec. 2099. Section 303.26, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. Of the initial commission, the person receiving the
12 highest number of votes shall ~~receive~~ serve a five-year term of
13 office, the next highest shall serve a four-year term, the next
14 highest shall serve a three-year term, the next highest shall
15 serve a two-year term, and the fifth highest shall serve a
16 one-year term. Thereafter, an election shall be held annually
17 in the district to elect a member to a five-year term as each
18 term expires.

19 Sec. 2100. Section 303.29, Code 2023, is amended to read as
20 follows:

21 **303.29 Use of structures.**

22 ~~No~~ A change in the use of any structure or property within
23 a designated historical district shall not be permitted until
24 ~~after~~ an application for a certificate of appropriateness
25 has been submitted to, and been approved by the commission.
26 For purposes of this section "use" means the legal enjoyment
27 of property that consists in its employment, exercise, or
28 practice.

29 Sec. 2101. Section 303.32, Code 2023, is amended to read as
30 follows:

31 **303.32 Ordinary maintenance and repair.**

32 ~~Nothing in this subchapter of this chapter~~ This part shall
33 not be construed to prevent the ordinary maintenance or repair
34 of any exterior feature in a district which does not involve a
35 change in design, material or outer appearance, nor ~~to~~ prevent

1 the construction, reconstruction, alteration, restoration
2 or demolition of any such feature which is required ~~by~~ for
3 public safety ~~because of~~ reasons due to an unsafe or dangerous
4 condition.

5 Sec. 2102. Section 303.34, subsections 1 and 4, Code 2023,
6 are amended to read as follows:

7 1. An area of historical significance shall be proposed by
8 the governing body of the city on ~~its~~ the governing body's own
9 motion or upon ~~the~~ receipt by the governing body of a petition
10 signed by residents of the city. The city shall submit a
11 description of the proposed area of historical significance or
12 the petition describing the proposed area, if the proposed area
13 is a result of the receipt of a petition, to the ~~historical~~
14 ~~division which~~ state historic preservation officer who shall
15 determine if the proposed area meets the criteria in subsection
16 2 and may make recommendations concerning the proposed area.
17 Any recommendations made by the ~~division~~ state historic
18 preservation officer shall be made available by the city to
19 the public for viewing during normal working hours at a city
20 government place of public access.

21 4. An area shall be designated an area of historical
22 significance upon enactment of an ordinance ~~of~~ by the city.
23 ~~Before~~ Prior to enactment of the ordinance or enactment of
24 an amendment to the ordinance ~~is enacted~~, the governing body
25 of the city shall submit the ordinance or amendment to the
26 ~~historical division~~ state historic preservation officer for ~~its~~
27 review and recommendations.

28 Sec. 2103. Section 303.87, Code 2023, is amended to read as
29 follows:

30 **303.87 Duties of Iowa arts council.**

31 The Iowa arts council shall:

32 ~~1. Advise the director with respect to policies, programs,~~
33 ~~and procedures for carrying out the administrator's functions,~~
34 ~~duties, or responsibilities.~~

35 ~~2. Review~~ review programs to be supported and make

1 recommendations on the programs to the director.

2 Sec. 2104. Section 303.88, Code 2023, is amended to read as
3 follows:

4 **303.88 ~~Administrator's~~ Authority's powers and ~~authority~~.**

5 The ~~arts division administrator~~ may authority shall:

6 1. ~~Make and sign any agreements and perform any acts which~~
7 ~~are necessary, desirable, or proper to carry out the purpose of~~
8 ~~the division.~~

9 2. ~~Request and obtain assistance and data from any~~
10 ~~department, division, board, bureau, commission, or agency of~~
11 ~~the state.~~

12 3. ~~Accept any federal funds granted, by Act of Congress or~~
13 ~~by executive order, for all or any purposes of this subchapter~~
14 ~~part, and receive and disburse as the official agent of the~~
15 ~~state any funds made available by the national endowment for~~
16 ~~the arts.~~

17 4. 2. Accept gifts, contributions, endowments, bequests,
18 or other moneys available for ~~all or any of the purposes~~
19 ~~of the division~~ this part. Interest earned on the gifts,
20 contributions, endowments, bequests, or other moneys accepted
21 under this ~~subsection~~ part shall be credited to the fund or
22 funds to which the gifts, contributions, endowments, bequests,
23 or other moneys have been deposited, and is available for ~~all~~
24 ~~or any of the purposes of the division~~ authority under this
25 part.

26 Sec. 2105. Section 303A.1, Code 2023, is amended to read as
27 follows:

28 **303A.1 Short title.**

29 This ~~chapter~~ part shall be known and may be cited as the
30 "*Iowa Cultural Trust Act*".

31 Sec. 2106. Section 303A.3, unnumbered paragraph 1, Code
32 2023, is amended to read as follows:

33 For purposes of this ~~chapter~~ part, unless the context
34 otherwise requires:

35 Sec. 2107. Section 303A.3, subsections 2 and 3, Code 2023,

1 are amended by striking the subsections.

2 Sec. 2108. Section 303A.4, subsections 1, 2, and 4, Code
3 2023, are amended to read as follows:

4 1. The Iowa cultural trust is created as a public body
5 corporate organized for the purposes, with the powers, and
6 subject to the restrictions, set forth in this ~~chapter~~ part.

7 2. An Iowa cultural trust fund is created in the office
8 of the treasurer of state for the purpose of receiving moneys
9 appropriated by the general assembly and any other moneys
10 available to the trust fund due to the issuance of trust fund
11 credits by the director as provided in section ~~303.1A~~ 15.108,
12 subsection ~~1~~ 9, paragraph ~~"f"~~ "b", subparagraph (1).

13 4. ~~a.~~ The treasurer of state shall act as custodian of
14 the fund, shall invest moneys in the trust fund, and shall
15 transfer the interest attributable to the investment of trust
16 fund moneys to the grant account created in section 303A.7.
17 The trust fund's principal shall not be used or accessed by the
18 department or the board for any purpose.

19 ~~b. Notwithstanding paragraph "a", for each of the following~~
20 ~~fiscal years, the treasurer of state shall transfer the~~
21 ~~following amounts from the principal of the trust fund to the~~
22 ~~grant account created in section 303A.7:~~

23 ~~(1) For the fiscal year beginning July 1, 2013, and ending~~
24 ~~June 30, 2014, fifty thousand dollars.~~

25 ~~(2) For the fiscal year beginning July 1, 2014, and ending~~
26 ~~June 30, 2015, fifty thousand dollars.~~

27 Sec. 2109. Section 303A.5, subsections 1 and 6, Code 2023,
28 are amended to read as follows:

29 1. A board of trustees of the Iowa cultural trust is
30 created. The general responsibility for the proper operation
31 of the trust is vested in the board of trustees, which shall
32 consist of thirteen members as follows:

33 a. Nine public members, five of whom shall be appointed
34 by the governor, subject to confirmation by the senate. The
35 majority leader of the senate, the minority leader of the

1 senate, the speaker of the house, and the minority leader of
 2 the house of representatives shall each appoint one public
 3 member. A public member of the board appointed in accordance
 4 with this section shall not also serve concurrently as a member
 5 of the state historical society board of trustees or the Iowa
 6 state arts council.

7 *b.* Four ex officio, nonvoting members, consisting of the
 8 treasurer of state or the treasurer's designee, the director of
 9 the ~~department of cultural affairs~~ authority or the director's
 10 designee, the chairperson of the state historical society
 11 board of trustees elected pursuant to section 303.6, and the
 12 chairperson of the Iowa arts council designated pursuant to
 13 section 303.86.

14 6. The board shall be located for administrative purposes
 15 within the ~~department~~ authority. The ~~department~~ authority,
 16 subject to approval by the board, shall adopt administrative
 17 rules pursuant to chapter 17A necessary to administer the
 18 income derived from the Iowa cultural trust fund and to perform
 19 specific powers and duties as provided in section 303A.6. The
 20 director shall budget funds to pay the expenses of the board
 21 and administer this ~~chapter~~ part.

22 Sec. 2110. Section 303A.6, subsections 1 and 2, Code 2023,
 23 are amended to read as follows:

24 1. Enter into agreements with any qualified organization,
 25 the state, or any federal or other state agency, or other
 26 entity as required to administer this ~~chapter~~ part.

27 2. Approve or disapprove the grants recommended for
 28 approval by the director, in consultation with the Iowa arts
 29 council and the state historical society of Iowa, in accordance
 30 with section ~~303.1A~~ 15.108, subsection ~~1~~ 9, paragraph ~~"f"~~,
 31 ~~subparagraph (3)~~ "b". The board may ~~delete~~ remove any
 32 recommendation from the list, but shall not add to or otherwise
 33 amend the list of recommended grants.

34 Sec. 2111. Section 306D.2, subsection 1, unnumbered
 35 paragraph 1, Code 2023, is amended to read as follows:

1 The state department of transportation shall prepare a
2 statewide, long-range plan for the protection, enhancement,
3 and identification of highways and secondary roads which pass
4 through unusually scenic areas of the state as identified
5 in section 306D.1. The department of natural resources,
6 ~~department of the~~ economic development authority, and
7 ~~department of cultural affairs~~, private organizations, county
8 conservation boards, city park and recreation departments,
9 and the federal agencies having jurisdiction over land in the
10 state shall be encouraged to assist in preparing the plan. The
11 plan shall be coordinated with the state's open space plan
12 if a state open space plan has been approved by the general
13 assembly. The plan shall include, but is not limited to, the
14 following elements:

15 Sec. 2112. Section 321.252, subsection 3, paragraph a,
16 subparagraph (1), Code 2023, is amended to read as follows:

17 (1) The tourist signing committee shall be made up of the
18 directors or ~~their~~ the directors' designees of the departments
19 of agriculture and land stewardship, natural resources,
20 ~~cultural affairs~~, and transportation, the director or the
21 director's designee of the economic development authority, the
22 chairperson or the chairperson's designee of the Iowa travel
23 council, and a member of the outdoor advertising association
24 of Iowa. The director or the director's designee of the
25 economic development authority shall be the chairperson of the
26 committee.

27 Sec. 2113. Section 404A.1, subsection 3, Code 2023, is
28 amended by striking the subsection.

29 Sec. 2114. Section 404A.1, subsection 8, paragraph b, Code
30 2023, is amended to read as follows:

31 b. The property meets the physical criteria and standards
32 for rehabilitation established by the ~~department~~ authority by
33 rule. To the extent applicable, the physical standards and
34 criteria shall be consistent with the United States secretary
35 of the interior's standards for rehabilitation.

1 Sec. 2115. Section 404A.3, subsection 1, paragraphs c and e,
2 Code 2023, are amended to read as follows:

3 c. The application shall include any information deemed
4 necessary by the authority, ~~in consultation with the~~
5 ~~department,~~ to evaluate the eligibility under the program
6 of the applicant and the rehabilitation project, the amount
7 of projected qualified rehabilitation expenditures of a
8 rehabilitation project, and the amount and source of all
9 funding for a rehabilitation project. An applicant shall
10 have the burden of proof to demonstrate to the authority that
11 the applicant is an eligible taxpayer and the project is a
12 qualified rehabilitation project under the program.

13 e. (1) The authority may charge application and other fees
14 to eligible taxpayers who apply to participate in the program.
15 The amount of such fees shall be determined based on the costs
16 ~~of to the authority and the department associated with of~~
17 administering the program.

18 (2) Fees collected by the authority pursuant to this
19 paragraph shall be deposited with the authority notwithstanding
20 section 303.9, subsection 1.

21 ~~(3) A portion of the fees collected shall be directed by the~~
22 ~~authority to the department.~~

23 Sec. 2116. Section 404A.3, subsection 3, paragraph b,
24 subparagraph (2), Code 2023, is amended to read as follows:

25 (2) The rehabilitation work to be performed. An eligible
26 taxpayer shall perform the rehabilitation work consistent with
27 the United States secretary of the interior's standards for
28 rehabilitation, as determined by the ~~department~~ authority.

29 Sec. 2117. Section 404A.3, subsection 4, paragraph c,
30 subparagraph (3), subparagraph division (b), Code 2023, is
31 amended to read as follows:

32 (b) "*Prohibited activity*" means a breach or default under
33 the agreement with the ~~department~~ authority, the violation
34 of any warranty provided by the eligible taxpayer to the
35 ~~department~~ authority or the department of revenue, the claiming

1 of a tax credit issued under this chapter for expenditures that
2 are not qualified rehabilitation expenditures, the violation of
3 any requirements of this chapter or rules adopted pursuant to
4 this chapter, misrepresentation, fraud, or any other unlawful
5 act or omission.

6 Sec. 2118. Section 404A.4, subsection 2, paragraph c, Code
7 2023, is amended to read as follows:

8 c. The amount of a tax credit that was available for
9 approval by the state historical preservation office of the
10 department of cultural affairs under section 404A.4, Code 2014,
11 in a fiscal year beginning on or after July 1, 2010, but before
12 July 1, 2014, that was required to be allocated to new projects
13 with final qualified rehabilitation costs of five hundred
14 thousand dollars or less, or seven hundred fifty thousand
15 dollars or less, as the case may be, and that was not finally
16 approved by the state historical preservation office, may be
17 awarded under section 404A.3 during the fiscal years beginning
18 on or after July 1, 2014, but before July 1, 2016.

19 Sec. 2119. Section 404A.6, Code 2023, is amended to read as
20 follows:

21 **404A.6 Rules.**

22 The authority, ~~department,~~ and the department of revenue
23 shall each adopt rules as necessary for the administration of
24 this chapter.

25 Sec. 2120. Section 427.16, subsection 15, Code 2023, is
26 amended to read as follows:

27 15. The ~~department of cultural affairs~~ economic development
28 authority shall adopt rules pursuant to chapter 17A to
29 administer this section.

30 Sec. 2121. Section 465A.2, subsection 1, paragraph b,
31 unnumbered paragraph 1, Code 2023, is amended to read as
32 follows:

33 Prepare a statewide, long-range plan for the acquisition
34 and protection of significant open space lands throughout
35 the state as identified in section 465A.1. The department

1 of transportation, ~~department of the~~ economic development
 2 authority, and ~~department of cultural affairs~~, private
 3 organizations, county conservation boards, city park and
 4 recreation departments, and the federal agencies with lands in
 5 the state shall be directly involved in preparing the plan.
 6 The plan shall include, but is not limited to, the following
 7 elements:

8 Sec. 2122. Section 465B.2, subsection 2, paragraph a, Code
 9 2023, is amended to read as follows:

10 a. The state department of transportation may enter
 11 into contracts for the preparation of the trails plan. The
 12 department shall involve the department of natural resources,
 13 and the ~~Iowa department of economic development, and the~~
 14 ~~department of cultural affairs~~ authority in the preparation of
 15 the plan. The recommendations and comments of organizations
 16 representing different types of trail users and others with
 17 interests in this program shall also be incorporated in the
 18 preparation of the trails plan and shall be submitted with the
 19 plan to the general assembly. ~~The plan shall be submitted to~~
 20 ~~the general assembly no later than January 15, 1988.~~ Existing
 21 trail projects involving acquisition or development may receive
 22 funding prior to the completion of the trails plan.

23 Sec. 2123. Section 465B.3, Code 2023, is amended to read as
 24 follows:

25 **465B.3 Involvement of other agencies.**

26 The department of natural resources, and the economic
 27 development authority, ~~and the department of cultural~~
 28 ~~affairs~~ shall assist the state department of transportation
 29 in developing the statewide plan for recreation trails, in
 30 acquiring property, and in the development, promotion, and
 31 management of recreation trails.

32 Sec. 2124. REPEAL. Sections 303.1, 303.1A, 303.2, and
 33 303.95, Code 2023, are repealed.

34 Sec. 2125. CODE EDITOR DIRECTIVE.

35 1. The Code editor is directed to make the following

1 transfers:

- 2 a. Section 303.3 to section 15.436.
- 3 b. Section 303.3A to section 15.437.
- 4 c. Section 303.3B to section 15.438.
- 5 d. Section 303.3C to section 15.439.
- 6 e. Section 303.3D to section 15.440.
- 7 f. Section 303.3E to section 15.441.
- 8 g. Section 303.20 to section 15.445.
- 9 h. Section 303.21 to section 15.446.
- 10 i. Section 303.22 to section 15.447.
- 11 j. Section 303.23 to section 15.448.
- 12 k. Section 303.24 to section 15.449.
- 13 l. Section 303.25 to section 15.450.
- 14 m. Section 303.26 to section 15.451.
- 15 n. Section 303.27 to section 15.452.
- 16 o. Section 303.28 to section 15.453.
- 17 p. Section 303.29 to section 15.454.
- 18 q. Section 303.30 to section 15.455.
- 19 r. Section 303.31 to section 15.456.
- 20 s. Section 303.32 to section 15.457.
- 21 t. Section 303.33 to section 15.458.
- 22 u. Section 303.34 to section 15.459.
- 23 v. Section 303.86 to section 15.465.
- 24 w. Section 303.87 to section 15.466.
- 25 x. Section 303.88 to section 15.467.
- 26 y. Section 303.89 to section 15.470.
- 27 z. Section 303A.1 to section 15.476.
- 28 aa. Section 303A.2 to section 15.477.
- 29 ab. Section 303A.3 to section 15.478.
- 30 ac. Section 303A.4 to section 15.479.
- 31 ad. Section 303A.5 to section 15.480.
- 32 ae. Section 303A.6 to section 15.481.
- 33 af. Section 303A.7 to section 15.482.
- 34 2. The Code editor shall correct internal references in the
- 35 Code and in any enacted legislation as necessary due to the

1 enactment of this section.

2 3. The Code editor shall designate the following new parts
3 in subchapter II of chapter 15:

4 a. Sections 15.436 through 15.441 as part 26.

5 b. Sections 15.445 through 15.459 as part 27.

6 c. Sections 15.465 through 15.467 as part 28.

7 d. Section 15.470 as part 29.

8 e. Sections 15.476 through 15.482 as part 30.

9 STATE HISTORIC PRESERVATION OFFICER

10 Sec. 2126. NEW SECTION. 15.121 State historic preservation
11 officer.

12 1. The director shall appoint and the governor shall certify
13 the state historic preservation officer pursuant to federal
14 requirements. The recommendations and decisions of the state
15 historic preservation officer shall be subject to the review
16 and approval of the director of the economic development
17 authority.

18 2. The state historic preservation officer shall conduct
19 historic preservation activities pursuant to federal and
20 state requirements, including but not limited to all of the
21 following:

22 a. Identifying and documenting historic properties.

23 b. Preparing and maintaining a state register of historic
24 places, including those listed on the national register of
25 historic places.

26 c. Conducting historic preservation activities pursuant to
27 federal and state requirements.

28 d. Publishing matters of historical value to the public,
29 and pursuing historical, architectural, and archaeological
30 research and development which may include but are not
31 limited to continuing surveys, excavation, scientific
32 recording, interpretation, and publication of the historical,
33 architectural, archaeological, and cultural sites, buildings,
34 and structures in the state.

35 3. Pursuant to section 103A.42, the state historic

1 preservation officer, in response to an adequately documented
2 request, shall issue an opinion stating whether a property is
3 either included in or appears to meet criteria for inclusion in
4 the national register of historic places.

5 4. Pursuant to section 303.16, subsection 6, paragraph "h",
6 the state historic preservation officer must approve a city or
7 county government as a certified local government prior to a
8 grant or loan fund award to the city or county government for a
9 project in the historic preservation category.

10 5. Pursuant to section 303.18, the state historic
11 preservation officer shall require that a rural electric
12 cooperative or a municipal utility that is constructing an
13 electric distribution and transmission facility for which it is
14 receiving federal funding conduct an archeological site survey.

15 6. Pursuant to section 427.16, subsections 4 and 12, the
16 state historic preservation officer shall be responsible
17 for approving applications for certified substantial
18 rehabilitation.

19 Sec. 2127. Section 457A.1, Code 2023, is amended to read as
20 follows:

21 **457A.1 Acquisition by other than condemnation.**

22 The department of natural resources, soil and water
23 conservation districts as provided in chapter 161A, the
24 ~~historical division of the department of cultural affairs~~
25 state historic preservation officer, the state archaeologist
26 appointed by the state board of regents pursuant to section
27 263B.1, any county conservation board, and any city or agency
28 of a city may acquire by purchase, gift, contract, or other
29 voluntary means, but not by eminent domain, conservation
30 easements in land to preserve scenic beauty, wildlife
31 habitat, riparian lands, wetlands, or forests; promote outdoor
32 recreation, agriculture, soil or water conservation, or open
33 space; or otherwise conserve for the benefit of the public the
34 natural beauty, natural and cultural resources, and public
35 recreation facilities of the state.

1 Sec. 2128. Section 470.5, Code 2023, is amended to read as
2 follows:

3 **470.5 Exceptions.**

4 This chapter does not apply to buildings used on January 1,
5 1980, by the division of adult corrections of the department
6 of human services as maximum security detention facilities or
7 to the renovation of property nominated to, or entered in the
8 national register of historic places, designated by statute, or
9 included in an established list of historic places compiled by
10 the ~~historical division of the department of cultural affairs~~
11 state historic preservation officer.

12 Sec. 2129. CODE EDITOR DIRECTIVE.

13 1. The Code editor is directed to make the following
14 transfer:

15 Section 303.18 to section 15.122.

16 2. The Code editor shall correct internal references in the
17 Code and in any enacted legislation as necessary due to the
18 enactment of this section.

19 IOWA FINANCE AUTHORITY

20 Sec. 2130. Section 7C.4A, subsection 1, paragraph b, Code
21 2023, is amended to read as follows:

22 **b.** However, at any time during the calendar year the
23 ~~executive~~ director of the Iowa finance authority may determine
24 that a lesser amount need be allocated to the Iowa finance
25 authority and on that date this lesser amount shall be the
26 amount allocated to the authority and the excess shall be
27 allocated under subsection 7.

28 Sec. 2131. Section 15.106C, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. a. The operations of the authority shall be administered
31 by a director who shall be appointed by the governor, subject
32 to confirmation by the senate, and who shall serve ~~for a~~
33 ~~four-year term beginning and ending as provided in section~~
34 ~~69.19 at the pleasure of the governor. An appointment by the~~
35 ~~governor to fill a vacancy in the office of the director shall~~

1 ~~be for the balance of the unexpired four-year term.~~

2 b. The director of the economic development authority
3 under paragraph "a" shall also serve as the director of, and
4 administer the operations of, the Iowa finance authority
5 pursuant to section 16.6.

6 Sec. 2132. Section 16.1, Code 2023, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 6A. "*Director*" means the director of the
9 economic development authority who also serves as the director
10 of, and administers the operations of, the Iowa finance
11 authority pursuant to section 15.106C, subsection 1, paragraph
12 "b".

13 Sec. 2133. Section 16.1, subsection 9, Code 2023, is amended
14 by striking the subsection.

15 Sec. 2134. Section 16.1A, subsection 5, Code 2023, is
16 amended to read as follows:

17 5. The board may, by resolution, delegate to the
18 agricultural development board, title guaranty division
19 board, ~~executive~~ director, or other authority employee such
20 of its powers, under such terms and conditions, as it deems
21 appropriate.

22 Sec. 2135. Section 16.2, subsections 6 and 8, Code 2023, are
23 amended to read as follows:

24 6. Members of the authority and the ~~executive~~ director shall
25 give bond as required for public officers in chapter 64.

26 8. Members shall elect a chairperson and vice chairperson
27 annually, and other officers as ~~they~~ the members determine,
28 ~~but and~~ the ~~executive~~ director shall serve as secretary to the
29 authority.

30 Sec. 2136. Section 16.2A, subsections 1, 5, and 7, Code
31 2023, are amended to read as follows:

32 1. A title guaranty division is created within the
33 authority. The division may also be referred to as Iowa title
34 guaranty. The powers of the division relating to the issuance
35 of title guaranties are vested in and shall be exercised by a

1 title guaranty division board of five members appointed by the
2 governor subject to confirmation by the senate. The membership
3 of the title guaranty division board shall include an attorney,
4 an abstractor, a real estate broker, a representative of a
5 lending institution that engages in mortgage lending, and
6 a representative of the housing development industry. The
7 ~~executive~~ director of the authority shall appoint an attorney
8 as director of the title guaranty division, who shall serve
9 as an ex officio member of the title guaranty division board.
10 The appointment of and compensation for the division director
11 are exempt from the merit system provisions of chapter 8A,
12 subchapter IV.

13 5. Members of the title guaranty division board and the
14 director of the title guaranty division shall give bond as
15 required for public officers in chapter 64.

16 7. Members shall elect a chair and vice chair annually and
17 other officers as ~~they~~ the members determine. The ~~executive~~
18 director or the ~~executive~~ director's designee shall serve as
19 secretary to the title guaranty division board.

20 Sec. 2137. Section 16.2B, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. The agricultural development division shall be
23 administered in accordance with the policies of the
24 agricultural development board created in section 16.2C.
25 The ~~executive~~ director of the authority may organize the
26 agricultural development division and employ necessary
27 qualified personnel to administer subchapter VIII.

28 Sec. 2138. Section 16.2C, subsection 3, Code 2023, is
29 amended to read as follows:

30 3. The agricultural development board consists of five
31 members appointed by the governor subject to confirmation by
32 the senate. The ~~executive~~ director of the authority or the
33 ~~executive~~ director's designee shall serve as an ex officio,
34 nonvoting member.

35 Sec. 2139. Section 16.2C, subsection 5, paragraph c, Code

1 2023, is amended to read as follows:

2 c. The appointed members shall elect a chairperson and vice
3 chairperson annually, and other officers as ~~they~~ the members
4 determine. The ~~executive~~ director of the authority or the
5 ~~executive~~ director's designee shall serve as secretary to the
6 board.

7 Sec. 2140. Section 16.2D, subsection 2, paragraph b,
8 subparagraph (8), Code 2023, is amended to read as follows:

9 (8) The ~~executive~~ director of the Iowa finance authority or
10 the ~~executive~~ director's designee.

11 Sec. 2141. Section 16.5, subsection 4, Code 2023, is amended
12 to read as follows:

13 4. Notwithstanding any other provision of law, the
14 authority may elect whether to utilize any or all of the goods
15 or services available from other state agencies in the conduct
16 of its affairs. Departments, boards, commissions, or other
17 agencies of the state shall provide reasonable assistance and
18 services to the authority upon the request of the ~~executive~~
19 director.

20 Sec. 2142. Section 16.6, Code 2023, is amended to read as
21 follows:

22 **16.6 ~~Executive director~~ Director — responsibilities.**

23 1. ~~The governor, subject to confirmation by the senate,~~
24 ~~shall appoint an executive director of the authority, who~~
25 ~~shall serve at the pleasure of the governor. The executive~~
26 ~~director shall be selected primarily for administrative~~
27 ~~ability and knowledge in the field, without regard to political~~
28 ~~affiliation. The director of the economic development~~
29 ~~authority shall also serve as the director of, and administer~~
30 ~~the operations of, the authority pursuant to section 15.106C,~~
31 ~~subsection 1, paragraph "b".~~ The ~~executive~~ director shall not,
32 directly or indirectly, exert influence to induce any other
33 officers or employees of the state to adopt a political view,
34 or to favor a political candidate for office.

35 2. The ~~executive~~ director shall advise the authority on

1 matters relating to housing and housing finance, carry out
2 all directives from the authority, and hire and supervise the
3 authority's staff pursuant to ~~its~~ the authority's directions.
4 All employees of the authority are exempt from the merit system
5 provisions of chapter 8A, subchapter IV.

6 3. The ~~executive~~ director, as secretary of the authority,
7 shall keep a record of the proceedings of the authority and
8 shall be custodian of all books, documents, and papers filed
9 with the authority and of its minute book and seal. The
10 ~~executive~~ director shall have authority to cause to be made
11 copies of all minutes and other records and documents of the
12 authority and to give certificates under the seal of the
13 authority to the effect that such copies are true copies and
14 all persons dealing with the authority may rely upon such
15 certificates.

16 4. The ~~executive~~ director may establish administrative
17 divisions within the authority in order to most efficiently
18 and effectively carry out the authority's responsibilities,
19 provided that any creation or modification of authority
20 divisions be established only after consultation with the board
21 of the authority.

22 Sec. 2143. Section 16.13, subsection 2, paragraph a, Code
23 2023, is amended to read as follows:

24 a. If a member or employee of the authority other than the
25 ~~executive~~ director of the authority has an interest, either
26 direct or indirect, in a contract to which the authority is,
27 or is to be, a party, or in a mortgage lender requesting a loan
28 from, or offering to sell mortgage loans to, the authority,
29 the interest shall be disclosed to the authority in writing
30 and shall be set forth in the minutes of the authority. The
31 member or employee having the interest shall not participate
32 in any action of the authority with respect to that contract
33 or mortgage lender.

34 Sec. 2144. Section 16.13, subsections 3 and 4, Code 2023,
35 are amended to read as follows:

1 3. Nothing in this section shall be deemed to limit the
2 right of a member, officer, or employee of the authority to
3 acquire an interest in bonds or notes of the authority or to
4 limit the right of a member, officer, or employee other than
5 the ~~executive~~ director to have an interest in a financial
6 institution, including a lending institution, in which the
7 funds of the authority are, or are to be, deposited or which
8 is, or is to be, acting as trustee or paying agent under a trust
9 indenture to which the authority is a party.

10 4. The ~~executive~~ director shall not have an interest in
11 a financial institution, including a lending institution, in
12 which the funds of the authority are, or are to be, deposited
13 or which is, or is to be, acting as trustee or paying agent
14 under a trust indenture to which the authority is a party. The
15 ~~executive~~ director shall not receive, in addition to fixed
16 salary or compensation, any money or valuable thing, either
17 directly or indirectly, or through any substantial interest
18 in any other corporation or business unit, for negotiating,
19 procuring, recommending, or aiding in any purchase or sale
20 of property, or loan, made by the authority, nor shall the
21 ~~executive~~ director be pecuniarily interested, either as
22 principal, coprincipal, agent, or beneficiary, either directly
23 or indirectly, or through any substantial interest in any other
24 corporation or business unit, in any such purchase, sale, or
25 loan.

26 Sec. 2145. Section 16.57A, subsection 2, Code 2023, is
27 amended to read as follows:

28 2. Notwithstanding section 8.39, and any other law to
29 the contrary, with the prior written consent and approval of
30 the governor, the ~~executive~~ director of the authority may
31 transfer any unobligated and unencumbered moneys in any fund
32 created pursuant to section 16.5, subsection 1, paragraph "s",
33 for deposit in the disaster recovery housing assistance fund
34 created in section 16.57B. The prior written consent and
35 approval of the director of the department of management shall

1 not be required to transfer the unobligated and unencumbered
2 moneys.

3 Sec. 2146. Section 16.134, subsection 9, paragraph b,
4 subparagraph (3), Code 2023, is amended to read as follows:

5 (3) The ~~executive~~ director of the authority or the ~~executive~~
6 director's designee.

7 Sec. 2147. Section 16.134, subsection 10, paragraph a, Code
8 2023, is amended to read as follows:

9 a. A water quality financing review committee is created
10 consisting of the secretary of agriculture or the secretary's
11 designee, the ~~executive~~ director of the authority or the
12 ~~executive~~ director's designee, and the director of the
13 department of natural resources or the director's designee.

14 Sec. 2148. Section 257C.7, Code 2023, is amended to read as
15 follows:

16 **257C.7 Staff.**

17 The ~~executive~~ director and staff of the Iowa finance
18 authority, pursuant to chapter 16, shall also serve as
19 ~~executive~~ director and staff of the advance funding authority,
20 respectively. The ~~executive~~ director shall not, directly or
21 indirectly, exert influence to induce any other officers or
22 employees of the state to adopt a political view, or to favor a
23 political candidate for office.

24 Sec. 2149. Section 257C.12, subsections 1 and 3, Code 2023,
25 are amended to read as follows:

26 1. If a member or employee other than the ~~executive~~
27 director of the authority has an interest, either direct or
28 indirect, in a contract to which the authority is or is to be
29 a party, the interest shall be disclosed to the authority in
30 writing and shall be set forth in the minutes of a meeting
31 of the authority. The member having the interest shall
32 not participate in action by the board with respect to that
33 contract.

34 3. The ~~executive~~ director shall not have an interest in
35 a bank or other financial institution in which the funds of

1 the authority are deposited or which is acting as trustee or
 2 paying agent under a trust indenture to which the authority is
 3 a party. The ~~executive~~ director shall not receive, in addition
 4 to fixed salary or compensation, any money or valuable thing,
 5 either directly or indirectly, or through any substantial
 6 interest in any other corporation or business unit, for
 7 negotiating, procuring, recommending, or aiding in any loan
 8 made by the authority, nor shall the ~~executive~~ director be
 9 pecuniarily interested, either as principal, co-principal,
 10 agent, or beneficiary, either directly or indirectly or through
 11 any substantial interest in any other corporation or business
 12 unit, in any loan.

13 Sec. 2150. Section 418.5, subsection 2, paragraph f, Code
 14 2023, is amended to read as follows:

15 *f.* The ~~executive~~ director of the Iowa finance authority or
 16 the ~~executive~~ director's designee.

17 Sec. 2151. Section 466B.3, subsection 4, paragraph j, Code
 18 2023, is amended to read as follows:

19 *j.* The ~~executive~~ director of the Iowa finance authority or
 20 the ~~executive~~ director's designee.

21 DIVISION VI

22 ECONOMIC DEVELOPMENT AUTHORITY — PARTNER STATE PROGRAM

23 Sec. 2152. NEW SECTION. **15.421 Partner state program.**

24 1. *a.* A partner state program is created which shall be
 25 administered by the authority. The purpose of the partner
 26 state program is to establish and maintain relationships
 27 between the state and foreign countries, provinces, states,
 28 regions, oblasts, municipalities, districts, divisions,
 29 counties, prefectures, towns, cities, villages, boroughs,
 30 and any other similar political subdivisions to facilitate
 31 mutually beneficial exchanges, collaboration, and cooperation
 32 with regard to agriculture, culture, education, manufacturing,
 33 science and technology, sports and recreation, tourism, and the
 34 arts.

35 *b.* A partner state relationship must be formalized in a

1 partner state agreement approved by the governor.

2 *c.* A partner state agreement may be modified or terminated
3 only with the approval of the governor.

4 2. *a.* A partner state program fund is created in the state
5 treasury under the control of the authority and consisting of
6 any moneys appropriated to the fund by the general assembly
7 and any other moneys available and obtained or accepted by the
8 authority for placement in the fund. The fund shall be used
9 to administer the partner state program. The authority shall
10 use any moneys specifically appropriated for purposes of this
11 section only for the purposes of this section.

12 *b.* Notwithstanding section 12C.7, subsection 2, interest
13 or earnings on moneys in the fund shall accrue to the
14 authority and shall be used for purposes of this section.
15 Notwithstanding section 8.33, moneys in the fund at the end of
16 each fiscal year shall not revert to any other fund but shall
17 remain in the fund for expenditure for subsequent fiscal years.

18 Sec. 2153. EFFECTIVE DATE. This division of this Act, being
19 deemed of immediate importance, takes effect upon enactment.

20 Sec. 2154. APPLICABILITY. This division of this Act applies
21 to all of the following:

22 1. Sister state agreements entered into by the state before
23 the effective date of this division of this Act including
24 agreements with the following:

- 25 *a.* China, Hebei Province.
- 26 *b.* Italy, Veneto Region.
- 27 *c.* Japan, Yamanashi Prefecture.
- 28 *d.* Republic of Kosovo.
- 29 *e.* Mexico, Yucatan.
- 30 *f.* Taiwan.
- 31 *g.* Ukraine, Cherkasy Oblast.

32 2. Partner state agreement entered into by the state on or
33 after the effective date of this division of this Act.

34 DIVISION VII

35 PUBLIC EMPLOYMENT RELATIONS BOARD

1 Sec. 2155. Section 7E.6, subsection 5, Code 2023, is amended
2 to read as follows:

3 5. Any position of membership on the board of parole, ~~the~~
4 ~~public employment relations board,~~ the utilities board, the
5 employment appeal board, and the property assessment appeal
6 board shall be compensated as otherwise provided in law.

7 Sec. 2156. Section 20.1, subsection 2, paragraph g, Code
8 2023, is amended by striking the paragraph.

9 Sec. 2157. Section 20.5, Code 2023, is amended to read as
10 follows:

11 **20.5 Public employment relations board.**

12 1. There is established a board to be known as the "Public
13 Employment Relations Board".

14 a. The board shall consist of three members appointed by the
15 governor, subject to confirmation by the senate. ~~In selecting~~
16 ~~the members of the board, consideration shall be given to~~
17 ~~their knowledge, ability, and experience in the field of~~
18 ~~labor-management relations.~~ No more than two members shall be
19 of the same political affiliation, and no member shall engage
20 in any political activity while holding office ~~and the members~~
21 ~~shall devote full time to their duties.~~

22 b. The members shall be appointed for staggered terms of
23 four years beginning and ending as provided in section 69.19.

24 c. The member first appointed for a term of four years shall
25 serve as chairperson and each of the member's successors shall
26 also serve as chairperson.

27 d. Any vacancy occurring shall be filled in the same manner
28 as regular appointments are made.

29 2. The governor shall appoint an executive director of the
30 board, subject to confirmation by the senate, who shall serve
31 at the pleasure of the governor. The executive director shall
32 serve as the executive officer of the board. In selecting
33 the executive director, consideration shall be given to the
34 person's knowledge, ability, and experience in the field of
35 labor-management relations. The governor shall set the salary

1 of the executive director within the applicable salary range
 2 established by the general assembly.

3 ~~2.~~ 3. The board may employ such persons as are necessary
 4 for the performance of its functions. Personnel of the board
 5 shall be employed pursuant to the provisions of chapter 8A,
 6 subchapter IV.

7 ~~3.~~ 4. ~~The chairperson and the remaining two members~~
 8 ~~shall be compensated as provided in section 7E.6, subsection~~
 9 ~~5.~~ Members of the board and employees of the board shall
 10 be allowed their actual and necessary expenses incurred in
 11 the performance of their duties and may be entitled to per
 12 diem compensation as authorized under section 7E.6. All
 13 expenses and salaries shall be paid from appropriations for
 14 such purposes and the board shall be subject to the budget
 15 requirements of chapter 8.

16 5. The board shall meet at least quarterly and at the call
 17 of the chairperson.

18 Sec. 2158. Section 20.6, subsection 1, Code 2023, is amended
 19 to read as follows:

20 1. Administer the provisions of this chapter and delegate
 21 the powers and duties of the board to the executive director or
 22 persons employed by the board, as appropriate.

23 Sec. 2159. Section 20.11, subsection 5, Code 2023, is
 24 amended to read as follows:

25 5. The board's review of proposed decisions and the
 26 ~~rehearing or judicial review~~ of final decisions is governed by
 27 the provisions of chapter 17A.

28 Sec. 2160. Section 20.13, subsection 3, Code 2023, is
 29 amended by striking the subsection.

30 Sec. 2161. NEW SECTION. 20.34 Judicial review.

31 Notwithstanding chapter 17A, in a petition for judicial
 32 review of a decision of the board in a contested case under
 33 this chapter, the opposing party shall be named the respondent,
 34 and the board shall not be named as a respondent. Judicial
 35 review of agency action by the board under this chapter is not

1 subject to chapter 17A.

2 DIVISION VIII

3 DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

4 Sec. 2162. Section 16.57B, subsection 4, Code 2023, is
5 amended to read as follows:

6 4. *Registration required.* To be considered for a forgivable
7 loan or grant under the program, a homeowner or renter must
8 register for the disaster case ~~management~~ advocacy program
9 established pursuant to section 29C.20B. The disaster case
10 manager may refer the homeowner or renter to the appropriate
11 local program administrator.

12 Sec. 2163. Section 29C.8, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. The department of homeland security and emergency
15 management shall be under the management of a director who
16 shall be appointed by the governor, subject to confirmation
17 by the senate, and who shall serve at the pleasure of the
18 governor.

19 Sec. 2164. Section 29C.20A, subsections 2, 4, and 5, Code
20 2023, are amended to read as follows:

21 2. The grant funds shall be administered by the department
22 ~~of human services~~. The department shall adopt rules to create
23 the Iowa disaster aid individual assistance grant program. The
24 rules shall specify the eligibility of applicants and eligible
25 items for grant funding. The executive council shall use
26 grant funds to reimburse the department ~~of human services~~ for
27 its actual expenses associated with the administration of the
28 grants. The department ~~of human services~~ may implement an
29 ongoing contract with a provider or providers of a statewide
30 program with local offices throughout the state to serve as the
31 local administrative entity for the grant program so that the
32 program can be implemented with minimal delay when a disaster
33 occurs in a local area. The rules adopted by the department
34 ~~of human services~~ for the program shall include but are not
35 limited to all of the following:

1 *a.* If a local administrative entity is under contract with
 2 the state to provide other services or is implementing a state
 3 or federal program and the contract contains a sufficient
 4 surety bond or other adequate financial responsibility
 5 provision, the department shall accept the existing surety
 6 bond or financial responsibility provision in lieu of applying
 7 a new or additional surety bond or financial responsibility
 8 requirement.

9 *b.* If the president of the United States has declared a
 10 major disaster to exist in this state and federal aid is made
 11 available to provide assistance grants to individuals similar
 12 to that provided by the Iowa disaster aid individual assistance
 13 grant program, the Iowa program shall be discontinued.

14 *c.* Authorization for the local administrative entity to draw
 15 grant funding to pay valid claims on at least a weekly basis.

16 4. A recipient of grant funding shall receive reimbursement
 17 for expenses upon presenting a receipt for an eligible expense
 18 or shall receive a voucher through a voucher system developed
 19 by the department ~~of human services~~ and administered locally
 20 within the designated disaster area. A voucher system shall
 21 ensure sufficient data collection to discourage and prevent
 22 fraud. The department shall consult with long-term disaster
 23 recovery committees and disaster recovery case management
 24 committees in developing a voucher system.

25 5. The department ~~of human services~~ shall submit an annual
 26 report, by January 1 of each year, to the legislative fiscal
 27 committee and the general assembly's standing committees on
 28 government oversight concerning the activities of the grant
 29 program in the previous fiscal year.

30 Sec. 2165. Section 29C.20B, Code 2023, is amended to read
 31 as follows:

32 **29C.20B Disaster case management advocacy grant fund and**
 33 **program.**

34 1. *a.* A disaster case ~~management~~ advocacy grant fund is
 35 created in the state treasury for the use of the executive

1 council. Moneys in the fund shall be ~~expended if grants are~~
 2 ~~awarded pursuant to section 29C.20A~~ available following the
 3 governor's proclamation of a state of disaster emergency or the
 4 declaration of a major disaster by the president of the United
 5 States.

6 **b.** The executive council may make financial grants to
 7 meet disaster-related case ~~management~~ advocacy needs of
 8 disaster-affected individuals. The aggregate total of grants
 9 awarded shall not be more than one million dollars during a
 10 fiscal year. However, within the same fiscal year, additional
 11 funds may be specifically authorized by the executive council
 12 to meet additional needs. Upon request of the department of
 13 ~~human services~~, the executive council may make available up to
 14 one hundred thousand dollars, or so much as is necessary, for
 15 contract entity staff support and case management training.

16 **c.** The department of ~~human services~~ shall work with the
 17 ~~department of homeland security and emergency management~~
 18 ~~and, as selected by the department of human services, a~~
 19 ~~representative~~ representatives of selected nonprofit,
 20 voluntary, and faith-based organizations active in disaster
 21 recovery and response to establish a statewide system of
 22 disaster case ~~management~~ advocacy to be activated following
 23 the governor's proclamation of a disaster emergency or the
 24 declaration of a major disaster by the president of the United
 25 States for individual assistance purposes.

26 **2.** The department of ~~human services~~ shall administer
 27 disaster case ~~management~~ advocacy grants. The department
 28 of ~~human services~~, in conjunction with the department of
 29 ~~homeland security and emergency management~~, shall establish
 30 a disaster case ~~management~~ advocacy program and adopt rules
 31 pursuant to chapter 17A necessary to administer the program.
 32 The executive council shall use grant moneys to reimburse the
 33 department of ~~human services~~ for actual expenses associated
 34 with the administration of the grants. Under the program, the
 35 department of ~~human services~~ shall coordinate case ~~management~~

1 advocacy services locally through one or more contracted
 2 entities. The department ~~of human services shall~~ may implement
 3 an ongoing contract with a provider of a statewide program
 4 with local offices throughout the state to serve as the
 5 local administrative entity for the grant program to allow
 6 implementation of the program with minimal delay ~~if grants are~~
 7 ~~awarded pursuant to section 29C.20A~~ following a governor's
 8 proclamation of a state of disaster emergency or a declaration
 9 of a major disaster by the president of the United States.

10 3. The department ~~of human services, in conjunction with the~~
 11 ~~department of homeland security and emergency management and~~
 12 ~~a representative in consultation with representatives of the~~
 13 Iowa voluntary organizations active in disaster, shall adopt
 14 rules pursuant to chapter 17A to create coordination mechanisms
 15 and standards for the establishment and implementation of
 16 a statewide system of disaster case ~~management~~ advocacy.
 17 The rules adopted by the department ~~of human services~~ for
 18 the program shall include but are not limited to all of the
 19 following:

20 a. If a local administrative entity is under contract with
 21 the state to provide other services or is implementing a state
 22 or federal program and the contract contains ~~a sufficient~~
 23 ~~surety bond or other~~ adequate financial responsibility
 24 provisions, the department shall accept the existing surety
 25 bond or financial responsibility provisions in lieu of applying
 26 a new or additional ~~surety bond or~~ financial responsibility
 27 requirement.

28 b. Authorization for the local administrative entity to draw
 29 down grant funding to pay valid claims on at least a weekly
 30 basis.

31 c. Disaster case ~~management~~ advocacy standards.

32 d. Disaster case ~~management~~ advocacy policies.

33 e. Reporting requirements.

34 f. Eligibility criteria.

35 g. Coordination mechanisms necessary to carry out the

1 services provided.

2 *h.* Development of formal working relationships with agencies
3 and creation of interagency agreements for those considered to
4 provide disaster case ~~management~~ advocacy services.

5 *i.* Establishment of nonduplication of benefits policies and
6 mechanisms ~~for the exchange of information between agencies to~~
7 ~~ensure compliance with the federal Health Insurance Portability~~
8 ~~and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.~~
9 ~~1936 (1996).~~

10 *j.* Referral to all known available services for individuals
11 from multiple agencies in coordinated service locations.

12 4. By January 1 of each year, the department ~~of human~~
13 ~~services~~ shall submit an annual written report to the
14 legislative fiscal committee and the general assembly's
15 standing committees on government oversight concerning the
16 activities of the grant program during the previous fiscal
17 year.

18 DIVISION IX

19 DEPARTMENT OF VETERANS AFFAIRS

20 Sec. 2166. Section 7E.5, subsection 1, paragraph v, Code
21 2023, is amended to read as follows:

22 *v.* The department of veterans affairs. ~~However, the~~
23 ~~commission of veterans affairs created in section 35A.2 shall~~
24 ~~have~~ created in section 35A.4, which has primary responsibility
25 for state veterans affairs.

26 Sec. 2167. Section 11.5B, subsection 7, Code 2023, is
27 amended to read as follows:

28 7. ~~Iowa veterans home~~ Department of veterans affairs.

29 Sec. 2168. Section 16.2D, subsection 2, paragraph b,
30 subparagraph (9), Code 2023, is amended to read as follows:

31 (9) The ~~director~~ commandant of the department of veterans
32 affairs or the ~~director's~~ commandant's designee.

33 Sec. 2169. Section 35A.1, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. "*Commandant*" means the commandant ~~of the Iowa veterans~~

1 ~~home appointed in section 35D.13~~ appointed pursuant to section
2 35A.8.

3 Sec. 2170. Section 35A.1, subsection 5, Code 2023, is
4 amended by striking the subsection.

5 Sec. 2171. Section 35A.2, subsections 1 and 3, Code 2023,
6 are amended to read as follows:

7 1. A commission of veterans affairs is created consisting of
8 eleven persons who shall be appointed by the governor, subject
9 to confirmation by the senate. Members shall be appointed to
10 staggered terms of four years beginning and ending as provided
11 in section 69.19. The governor shall fill a vacancy for the
12 unexpired portion of the term. In addition to the members
13 appointed by the governor, ~~the director of the department and~~
14 ~~the commandant of the Iowa veterans home~~ shall serve as a
15 ~~nonvoting, ex officio members~~ member of the commission.

16 3. *a.* The commissioners are entitled to receive
17 reimbursement for actual expenses incurred while engaged in the
18 performance of official duties. Each member of the commission
19 may also be eligible to receive compensation as provided in
20 section 7E.6.

21 *b.* ~~The executive director, commandant, and employees of the~~
22 ~~department and the Iowa veterans home~~ are entitled to receive,
23 in addition to salary, reimbursement for actual expenses
24 incurred while engaged in the performance of official duties.

25 *c.* All out-of-state travel by commissioners shall be
26 approved by the chairperson of the commission.

27 Sec. 2172. Section 35A.3, subsection 4, Code 2023, is
28 amended by striking the subsection and inserting in lieu
29 thereof the following:

30 4. Review and approve applications for distributions
31 of moneys from the veterans license fee fund pursuant to
32 section 35A.11 and the veterans trust fund pursuant to section
33 35A.13 for the benefit of veterans, spouses of veterans, and
34 dependents of veterans.

35 Sec. 2173. Section 35A.4, Code 2023, is amended to read as

1 follows:

2 **35A.4 Department established.**

3 There is established an Iowa department of veterans affairs
4 which shall consist of a commandant, a commission, ~~an executive~~
5 ~~director~~, and any additional personnel as employed by the
6 ~~executive director~~ commandant.

7 Sec. 2174. Section 35A.5, subsection 10, paragraph d, Code
8 2023, is amended to read as follows:

9 d. The department through the ~~director~~ commandant shall have
10 the authority to accept suitable cemetery land, in accordance
11 with federal veterans cemetery grant guidelines, from the
12 federal government, state government, state subdivisions,
13 private sources, and any other source wishing to transfer land
14 for use as a veterans cemetery.

15 Sec. 2175. Section 35A.5, subsection 12, Code 2023, is
16 amended to read as follows:

17 12. Adopt rules pursuant to chapter 17A and establish policy
18 for the management and operation of the department, for the
19 facilitation of programs under the department's authority, and
20 for the performance of duties established under this section.
21 Prior to adopting rules, the department shall submit proposed
22 rules to the commission for review and approval pursuant to the
23 requirements of section 35A.3.

24 Sec. 2176. Section 35A.8, Code 2023, is amended to read as
25 follows:

26 **35A.8 ~~Executive director~~ Commandant — term — duties.**

27 1. The governor shall appoint ~~an executive director~~ a
28 commandant, subject to confirmation by the senate, who shall
29 serve at the pleasure of the governor. The ~~executive director~~
30 commandant is responsible for administering the duties of the
31 department and the commission ~~other than those related to the~~
32 ~~Iowa veterans home.~~

33 2. The ~~executive director~~ commandant shall be a resident
34 of the state of Iowa and an honorably discharged veteran ~~who~~
35 ~~served in the armed forces of the United States during a~~

1 ~~conflict or war. As used in this section, the dates of service~~
 2 ~~in a conflict or war shall coincide with the dates of service~~
 3 ~~established by the Congress of the United States.~~

4 3. ~~Except for the employment duties and responsibilities~~
 5 ~~assigned to the commandant for the Iowa veterans home, the~~
 6 ~~executive director~~ The commandant shall employ such personnel
 7 as are necessary for the performance of the duties and
 8 responsibilities assigned to the department and the commission.
 9 All employees shall be selected on a basis of fitness for
 10 the work to be performed with due regard to training and
 11 experience and shall be subject to the provisions of chapter
 12 8A, subchapter IV.

13 Sec. 2177. Section 35D.1, subsection 2, Code 2023, is
 14 amended to read as follows:

15 2. As used in this chapter:

16 a. *"Commandant"* means the commandant ~~of the Iowa veterans~~
 17 ~~home~~ appointed pursuant to section 35D.13 35A.8.

18 b. *"Commission"* means the commission of veterans affairs
 19 established in section 35A.2.

20 c. *"Department"* means the department of veterans affairs
 21 established in section 35A.4.

22 e. d. *"Member"* means a patient or resident of the home.

23 Sec. 2178. Section 35D.5, Code 2023, is amended to read as
 24 follows:

25 **35D.5 Surviving spouses of veterans.**

26 If a deceased veteran, who would be entitled to admission
 27 to the home if the deceased veteran were living, has left a
 28 surviving spouse, the spouse is entitled to admission to the
 29 home with the same rights, privileges, and benefits as if the
 30 veteran were living and a member of the home, if the spouse
 31 was married to the veteran for at least one year immediately
 32 prior to the veteran's death, is found by the ~~commandant~~
 33 department to be disabled, meets the qualifications for nursing
 34 or residential level of care, and is a resident of the state of
 35 Iowa on the date of the application and immediately preceding

1 the date the application is accepted.

2 Sec. 2179. Section 35D.7, Code 2023, is amended to read as
3 follows:

4 **35D.7 Contributing to own support.**

5 1. Except as otherwise provided in chapter 249A and other
6 provisions of this chapter, a member of the home who receives
7 a pension, compensation, or gratuity from the United States
8 government, or income from any source of more than one hundred
9 forty dollars per month, shall contribute to the member's own
10 maintenance or support while a member of the home. The amount
11 of the contribution and the method of collection shall be
12 determined by the ~~commandant~~ department, but the amount shall
13 in no case exceed the actual cost of keeping and maintaining
14 the person in the home.

15 2. Sums paid to and received by the ~~commandant~~ department
16 for the support of members of the home shall be considered
17 repayment receipts as defined in section 8.2 and credited to
18 the Iowa veterans home account referred to in section 35D.18,
19 subsection 3.

20 3. The ~~commandant~~ department may allow any member of the
21 home to render assistance in the care of the home and its
22 grounds as the member's psychosocial and physical condition
23 permit, as a phase of that member's rehabilitation program.
24 The ~~commandant~~ department shall compensate each member who
25 furnishes assistance at rates approved by the commission.

26 Sec. 2180. Section 35D.10, Code 2023, is amended to read as
27 follows:

28 **35D.10 Payment to spouse.**

29 Except as otherwise provided in chapter 249A and other
30 provisions of this chapter, a member of the home who receives a
31 pension or compensation and who has a spouse shall deposit with
32 the ~~commandant~~ department on receipt of the member's pension or
33 compensation check one-half of its amount, which shall be sent
34 by the eighth day of the month or at once if any such pension
35 or compensation is received after the eighth day of the month

1 to the spouse.

2 Sec. 2181. Section 35D.11, Code 2023, is amended to read as
3 follows:

4 **35D.11 Handling of pension money and other funds.**

5 1. Pension money deposited with the ~~commandant~~ department
6 is not assignable for any purpose except as provided in section
7 35D.10, or in accordance with subsection 2 of this section.

8 2. The ~~commandant~~ department, if authorized by a member of
9 the home, and pursuant to policies adopted by the commission,
10 may act on behalf of that member in receiving, disbursing, and
11 accounting for personal funds of the member received from any
12 source. The authorization may be given by the member at any
13 time and shall not be a condition of admission to the home.

14 Sec. 2182. Section 35D.12, Code 2023, is amended to read as
15 follows:

16 **35D.12 Bank account for members' deposits.**

17 1. *a.* The Iowa veterans home, for the convenience of its
18 members, may maintain a commercial account with a federally
19 insured bank for the individual personal deposits of its
20 members. The account shall be known as the Iowa veterans
21 home membership account. The ~~commandant~~ department shall
22 record each member's personal deposits individually and shall
23 deposit the funds in the membership account, where the members'
24 deposits shall be held in the aggregate.

25 *b.* The Iowa veterans home may withdraw moneys from the
26 account maintained pursuant to this subsection to establish
27 certificates of deposit for the benefit of all members. The
28 ~~commission~~ department shall adopt rules pursuant to chapter 17A
29 for the administration of this paragraph.

30 2. The ~~commandant~~ department, if authorized by a member of
31 the home, and pursuant to policies adopted by the commission,
32 may make withdrawals against that member's personal account to
33 pay regular bills and other expenses incurred by the member.
34 The authorization may be given by the member at any time and
35 shall not be a condition of admission to the home.

1 Sec. 2183. Section 35D.15, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. The commandant shall administer and enforce all rules
4 adopted by the commission, including rules of discipline and,
5 subject to these rules, may immediately suspend the membership
6 of and discharge any person from the home for infraction of
7 the rules when the ~~commandant~~ department determines that the
8 health, safety, or welfare of the residents of the home is in
9 immediate danger and other reasonable alternatives have been
10 exhausted. The suspension and discharge are temporary pending
11 action by the commission. Judicial review of the action of the
12 commission may be sought in accordance with chapter 17A.

13 Sec. 2184. Section 35D.15, subsection 2, paragraphs a, b, d,
14 and f, Code 2023, are amended to read as follows:

15 a. The ~~commandant~~ department shall, with the input
16 and recommendation of the interdisciplinary resident care
17 committee, involuntarily discharge a member for any of the
18 following reasons:

19 (1) (a) The member has been diagnosed with a substance use
20 disorder but continues to abuse alcohol or an illegal drug in
21 violation of the member's conditional or provisional agreement
22 entered into at the time of admission, and all of the following
23 conditions are met:

24 (i) The member has been provided sufficient notice of any
25 changes in the member's collaborative care plan.

26 (ii) The member has been notified of the member's commission
27 of three offenses and has been given the opportunity to correct
28 the behavior through either of the following options:

29 (A) Being given the opportunity to receive the appropriate
30 level of treatment in accordance with best practices for
31 standards of care.

32 (B) By having been placed on probation by the Iowa veterans
33 home for a second offense.

34 (b) Notwithstanding the member's meeting the criteria
35 for discharge under this subparagraph (1), if the member

1 has demonstrated progress toward the goals established in
2 the member's collaborative care plan, the interdisciplinary
3 resident care committee and the ~~commandant~~ department may
4 exercise discretion regarding the discharge. Notwithstanding
5 any provision to the contrary, the member may be immediately
6 discharged under this subparagraph (1) if the member's actions
7 or behavior jeopardizes the life or safety of other members or
8 staff.

9 (2) (a) The member refuses to utilize the resources
10 available to address issues identified in the member's
11 collaborative care plan, and all of the following conditions
12 are met:

13 (i) The member has been provided sufficient notice of any
14 changes in the member's collaborative care plan.

15 (ii) The member has been notified of the member's commission
16 of three offenses and the member has been placed on probation
17 by the Iowa veterans home for a second offense.

18 (b) Notwithstanding the member's meeting the criteria
19 for discharge under this subparagraph (2), if the member
20 has demonstrated progress toward the goals established in
21 the member's collaborative care plan, the interdisciplinary
22 resident care committee and the ~~commandant~~ department may
23 exercise discretion regarding the discharge. Notwithstanding
24 any provision to the contrary, the member may be immediately
25 discharged if the member's actions or behavior jeopardizes the
26 life or safety of other members or staff.

27 (3) The member no longer requires a residential or nursing
28 level of care, as determined by the interdisciplinary resident
29 care committee.

30 (4) The member requires a level of licensed care not
31 provided at the Iowa veterans home.

32 b. (1) If a member is discharged under this subsection,
33 the discharge plan shall include placement in a suitable
34 living situation which may include but is not limited to
35 a transitional living program approved by the commission

1 or a living program provided by the United States veterans
2 administration.

3 (2) If a member is involuntarily discharged under this
4 subsection, the ~~commission~~ department shall, to the greatest
5 extent possible, ensure against the veteran being homeless and
6 ensure that the domicile to which the veteran is discharged is
7 fit and habitable and offers a safe and clean environment which
8 is free from health hazards and provides appropriate heating,
9 ventilation, and protection from the elements.

10 d. Annually, by the fourth Monday of each session of the
11 general assembly, the ~~commandant~~ department shall submit a
12 report to the veterans affairs committees of the senate and
13 house of representatives specifying the number, circumstances,
14 and placement of each member involuntarily discharged from the
15 Iowa veterans home under this subsection during the previous
16 calendar year.

17 f. Any involuntary discharge by the ~~commandant~~ department
18 under this subsection shall comply with the rules adopted by
19 the commission under this subsection and by the department of
20 inspections and appeals pursuant to section 135C.14, subsection
21 8, paragraph "f".

22 Sec. 2185. Section 35D.17, Code 2023, is amended to read as
23 follows:

24 **35D.17 Report by ~~commandant~~ department.**

25 The ~~commandant~~ department shall, biennially, make a full
26 and detailed report to the governor, the commission, and the
27 general assembly, showing the condition of the home, the
28 number of members in the Iowa veterans home, the order and
29 discipline enforced, and the needs of the home financially and
30 otherwise, together with an itemized statement of all receipts
31 and disbursements and any other matters of importance in the
32 management and control of the Iowa veterans home.

33 Sec. 2186. REPEAL. Sections 35D.13 and 35D.14, Code 2023,
34 are repealed.

35 DIVISION X

1 OFFICE OF DRUG CONTROL POLICY

2 Sec. 2187. Section 80.4, subsection 1, Code 2023, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *g.* Office of drug control policy.

5 Sec. 2188. Section 80.5, Code 2023, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 10. The department shall receive and review
8 the budget submitted by the drug policy director and assist the
9 drug policy director in directing the office of drug control
10 policy pursuant to section 80E.1.

11 Sec. 2189. Section 80E.1, Code 2023, is amended to read as
12 follows:

13 **80E.1 Drug policy ~~coordinator~~ director.**

14 1. The office of drug control policy is established in
15 the department of public safety. A drug policy ~~coordinator~~
16 director shall be appointed by the governor, ~~subject to~~
17 ~~confirmation by the senate, and shall serve at the pleasure of~~
18 ~~the governor~~ commissioner of the department of public safety.
19 ~~The governor shall fill a vacancy in the office in the same~~
20 ~~manner as the original appointment was made.~~ The coordinator
21 director shall be selected primarily for administrative
22 ability. The ~~coordinator~~ director shall not be selected on
23 the basis of political affiliation and shall not engage in
24 political activity while holding the office. ~~The salary of the~~
25 ~~coordinator shall be fixed by the governor.~~

26 2. The ~~coordinator~~ director shall:

27 *a.* Direct the governor's office of drug control policy,
28 and coordinate and monitor all statewide drug enforcement
29 efforts, coordinate and monitor all state and federal substance
30 use disorder treatment grants and programs, coordinate and
31 monitor all statewide substance ~~abuse~~ use disorder prevention
32 and education programs in communities and schools, and engage
33 in such other related activities as required by law. The
34 ~~coordinator~~ director shall work in coordinating the efforts of
35 the department of corrections, the department of education,

1 ~~the Iowa department of public health, the department of public~~
 2 ~~safety,~~ and the department of health and human services. The
 3 ~~coordinator~~ director shall assist in the development and
 4 implementation of local and community strategies to fight
 5 substance ~~abuse~~ use disorder, including local law enforcement,
 6 education, and treatment activities.

7 **b.** Submit an annual report to the governor and general
 8 assembly by November 1 of each year concerning the activities
 9 and programs of the ~~coordinator~~ director and other departments
 10 related to drug enforcement, substance use disorder treatment
 11 programs, and substance ~~abuse~~ use disorder prevention and
 12 education programs. The report shall include an assessment
 13 of needs with respect to programs related to substance use
 14 disorder treatment and drug enforcement.

15 **c.** Submit an advisory budget recommendation to the governor
 16 and general assembly concerning enforcement programs, treatment
 17 programs, and education programs related to drugs within the
 18 various departments. The ~~coordinator~~ director shall work
 19 with these departments in developing the departmental budget
 20 requests to be submitted to the legislative services agency and
 21 the general assembly.

22 **3.** ~~The governor's office of drug control policy shall be~~
 23 ~~an independent office, located at the same location as the~~
 24 ~~department of public safety.~~ Administrative support services
 25 ~~may~~ shall be provided to the ~~governor's~~ office of drug control
 26 policy by the department of public safety.

27 Sec. 2190. Section 80E.4, Code 2023, is amended to read as
 28 follows:

29 **80E.4 Drug abuse resistance education fund.**

30 A drug abuse resistance education fund is created as a
 31 separate fund in the state treasury under the control of the
 32 ~~governor's office~~ department of public safety for the office
 33 of drug control policy for use by the drug abuse resistance
 34 education program and other programs with a similar purpose.
 35 The fund shall consist of appropriations made to the fund

1 and transfers of interest, moneys collected from the crime
 2 services surcharge established in section 911.1, and earnings.
 3 All moneys in the fund are appropriated to the ~~governor's~~
 4 ~~office of drug control policy~~ department of public safety.
 5 Notwithstanding section 8.33, any balance in the fund on June
 6 30 of any fiscal year shall not revert to any other fund of the
 7 state but shall remain available for the purposes described in
 8 this section.

9 Sec. 2191. Section 124.101, subsection 22, Code 2023, is
 10 amended to read as follows:

11 22. "*Office*" means the ~~governor's~~ office of drug control
 12 policy, as referred to in section 80E.1.

13 DIVISION XI

14 DEPARTMENT OF WORKFORCE DEVELOPMENT

15 PRIMARY DEPARTMENT RESPONSIBILITIES

16 Sec. 2192. Section 84A.5, subsection 3, Code 2023, is
 17 amended to read as follows:

18 3. The department of workforce development is responsible
 19 for administration of unemployment compensation benefits
 20 and collection of employer contributions under chapter 96,
 21 providing for the delivery of free public employment services
 22 established pursuant to chapter 96, other job placement and
 23 training programs established pursuant to section 84A.6,
 24 employment agencies under chapter 84H, and the delivery of
 25 services located throughout the state.

26 Sec. 2193. Section 84A.5, subsection 7, Code 2023, is
 27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. *f.* The statewide work-based learning
 29 intermediary network program under section 84A.16.

30 NEW PARAGRAPH. *g.* The new jobs training program under
 31 chapter 260E, in consultation with the community colleges.

32 NEW PARAGRAPH. *h.* The Iowa jobs training act under chapter
 33 260F.

34 NEW PARAGRAPH. *i.* The workforce development fund program
 35 under chapter 84F.

1 NEW PARAGRAPH. *j.* The accelerated career education
2 program under chapter 260G, in coordination with the community
3 colleges.

4 NEW PARAGRAPH. *k.* The older American community service
5 employment program under section 84A.17.

6 NEW PARAGRAPH. *l.* The apprenticeship training program under
7 chapter 84D.

8 NEW PARAGRAPH. *m.* The future ready Iowa registered
9 apprenticeship development program under section 84E.1.

10 NEW PARAGRAPH. *n.* The future ready Iowa expanded registered
11 apprenticeship opportunities program under section 84E.2.

12 NEW PARAGRAPH. *o.* Adult education and literacy programs
13 under section 84A.19.

14 REGIONAL INDUSTRY SECTOR PARTNERSHIPS

15 Sec. 2194. Section 260H.2, subsection 2, paragraph a, Code
16 2023, is amended to read as follows:

17 *a.* A pathways for academic career and employment fund is
18 created for the community colleges in the state treasury to be
19 administered by the department of education and the department
20 of workforce development. The moneys in the pathways for
21 academic career and employment fund are appropriated to the
22 department of education for the pathways for academic career
23 and employment program.

24 Sec. 2195. Section 260H.7B, Code 2023, is amended to read
25 as follows:

26 **260H.7B Regional industry sector partnerships.**

27 1. A community college and the department of workforce
28 development may use moneys for the pathways for academic career
29 and employment program to provide staff and support for the
30 development and implementation of a regional industry sector
31 partnerships partnership within the each region served by
32 the each community college. For purposes of this section,
33 "community college" means the same as defined in section 260C.2.

34 2. ~~Regional,~~ A regional industry sector ~~partnerships~~
35 partnership may ~~include but are~~ engage in but ~~is~~ not limited to

1 the following activities:

2 ~~a. Bringing together~~ Collaborating with representatives
3 from industry sectors, government, education, local workforce
4 boards, community-based organizations, labor, economic
5 development organizations, and other stakeholders within the
6 regional labor market to determine how pathways for academic
7 career and employment projects should address workforce skills
8 gaps, occupational shortages, and wage gaps.

9 b. Integrating pathways for academic career and employment
10 projects and other existing supply-side strategies with
11 workforce needs within the region served by the community
12 college in that region.

13 c. Developing pathways for academic career and employment
14 projects that focus on the workforce skills, from entry level
15 to advanced, required by industry sectors within the region
16 served by the community college.

17 d. Structuring pathways so that instruction and learning of
18 workforce skills are aligned with industry-recognized standards
19 where such standards exist.

20 Sec. 2196. Section 260H.8, Code 2023, is amended to read as
21 follows:

22 **260H.8 Rules.**

23 The department of education, in consultation with the
24 community colleges, the economic development authority, and the
25 department of workforce development, shall adopt rules pursuant
26 to chapter 17A ~~and this chapter~~ to implement ~~the provisions of~~
27 this chapter. Local workforce development boards established
28 pursuant to section 84A.4 shall be consulted in the development
29 and implementation of rules ~~to be~~ adopted pursuant to this
30 ~~chapter~~ section.

31 Sec. 2197. CODE EDITOR DIRECTIVE.

32 1. The Code editor is directed to make the following
33 transfer:

34 Section 260H.7B to section 84A.15.

35 2. The Code editor shall correct internal references in the

1 Code and in any enacted legislation as necessary due to the
2 enactment of this section.

3 Sec. 2198. TRANSITION PROVISIONS. A regional industry
4 sector partnership entered into by a community college prior
5 to the effective date of this division of this Act shall be
6 valid and continue per the terms of the agreement between the
7 community college and the partnership.

8 STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK

9 Sec. 2199. Section 256.40, Code 2023, is amended to read as
10 follows:

11 **256.40 Statewide work-based learning intermediary network —**
12 **fund — steering committee — regional networks.**

13 1. A statewide work-based learning intermediary network
14 program is established in the department of workforce
15 development and shall be administered by the department. A
16 separate, statewide work-based learning intermediary network
17 fund is created in the state treasury under the control of the
18 department of workforce development. The fund shall consist
19 of all moneys deposited in the fund, including any moneys
20 appropriated by the general assembly and any other moneys
21 available to and obtained or accepted by the department of
22 workforce development from federal or private sources for
23 purposes of the program. Notwithstanding section 8.33, moneys
24 in the fund at the end of a fiscal year shall not revert to
25 the general fund of the state. Notwithstanding section 12C.7,
26 subsection 2, interest or earnings on moneys in the fund shall
27 be credited to the fund.

28 2. The purpose of the program shall be to prepare students
29 for the workforce by ~~connecting business and the education~~
30 ~~system~~ facilitating cooperation and collaboration between
31 businesses and entities within the state system of education,
32 as that state system of education is described in section
33 256.1, subsection 1, and offering to offer relevant, work-based
34 learning activities to students and teachers. The program
35 shall do all of the following:

- 1 ~~a. Better prepare~~ Prepare students to make informed
2 postsecondary education and career decisions.
- 3 b. Provide communication and coordination in order to build
4 and sustain relationships between employers and local youth,
5 the state system of education system, and the community at
6 large.
- 7 c. Connect students to ~~local~~ career opportunities within the
8 state, creating economic capital for the ~~region~~ state using a
9 skilled and available workforce.
- 10 d. Provide a one-stop contact point for information
11 useful to both educators and employers, including information
12 ~~on~~ related to internships, job shadowing experiences,
13 apprenticeable occupations as defined in section 15B.2,
14 and other workplace learning opportunities for students,
15 particularly including those related to occupations in
16 science, technology, engineering, ~~or~~ mathematics ~~occupations~~,
17 ~~occupations related to~~ critical infrastructure, and commercial
18 and residential construction, ~~or~~ and targeted industries as
19 defined in section 15.102.
- 20 e. Integrate services provided through the program with
21 other career exploration-related activities, which may include
22 but are not limited to ~~the~~ a student's career and academic
23 plans and career information and decision-making systems
24 ~~utilized in accordance with~~ under section 279.61.
- 25 f. Facilitate the attainment of portable credentials of
26 value to employers such as the national career readiness
27 certificate, where appropriate.
- 28 g. Develop work-based capacity with employers.
- 29 h. Provide core services, which may include student job
30 shadowing, student internships, and teacher or student tours.
- 31 3. a. The department of workforce development shall
32 establish and facilitate a steering committee comprised of
33 representatives from the department of ~~workforce development~~
34 education, the economic development authority, the community
35 colleges, the institutions under the control of the state board

1 of regents, accredited private institutions, area education
 2 agencies, school districts, the workplace learning connection,
 3 and an apprenticeship sponsor as defined in section 15B.2. The
 4 steering committee shall be responsible for the development
 5 and implementation of the statewide work-based learning
 6 intermediary network.

7 ~~4.~~ b. The steering committee shall develop a design for
 8 a statewide network comprised of fifteen regional work-based
 9 learning intermediary networks. The design shall include
 10 network specifications, strategic functions, and desired
 11 outcomes. The steering committee shall recommend program
 12 parameters and reporting requirements to the department of of
 13 workforce development.

14 ~~5.~~ 4. Each regional network shall establish an advisory
 15 council to provide advice and assistance to the regional
 16 network. The advisory council shall include representatives of
 17 business and industry, including construction trade industry
 18 professionals, and shall meet at least annually.

19 ~~6.~~ 5. Each regional network or consortium of networks shall
 20 annually submit a work-based learning plan to the department of of
 21 workforce development. Each plan shall include provisions to
 22 provide core services referred to in subsection 2, paragraph
 23 "h", to all school districts within the region and for the
 24 integration of job shadowing and other work-based learning
 25 activities into secondary career and technical education
 26 programs.

27 ~~7.~~ 6. a. ~~Moneys~~ Upon approval by the department of
 28 workforce development of a region's work-based learning plan
 29 submitted pursuant to subsection 5, moneys deposited in the
 30 statewide work-based learning intermediary network fund created
 31 in subsection 1 shall be distributed annually by the department
 32 of workforce development to each region for the implementation
 33 of the statewide work-based learning intermediary network ~~upon~~
 34 ~~approval by the department of the region's work-based learning~~
 35 ~~plan submitted pursuant to subsection 6.~~

1 **b.** If the balance in the statewide work-based learning
 2 intermediary network fund on July 1 of a fiscal year is one
 3 million five hundred thousand dollars or less, the department
 4 of workforce development shall distribute moneys in the fund to
 5 regions or consortiums of regions on a competitive basis. If
 6 the balance in the statewide work-based learning intermediary
 7 network fund on July 1 of a fiscal year is greater than one
 8 million five hundred thousand dollars, the department of
 9 workforce development shall distribute one hundred thousand
 10 dollars to each region and distribute the remaining moneys
 11 pursuant to the same formula established for distribution of
 12 funds by the department of education in section 260C.18C.

13 ~~8.~~ 7. The department of workforce development shall provide
 14 oversight of the statewide work-based learning intermediary
 15 network. The department of workforce development shall require
 16 each region to submit an annual report on ~~its~~ the region's
 17 ongoing implementation of the statewide work-based learning
 18 intermediary network program ~~to the department.~~

19 ~~9.~~ 8. Each regional network shall match the moneys received
 20 pursuant to subsection 7 6 with financial resources equal to at
 21 least twenty-five percent of the amount of the moneys received
 22 pursuant to subsection 7 6. The financial resources used
 23 to provide the match may include private donations, in-kind
 24 contributions, or public moneys other than the moneys received
 25 pursuant to subsection 7 6.

26 ~~10.~~ 9. ~~The state board of education~~ department of workforce
 27 development shall adopt rules under chapter 17A for the
 28 administration of this section.

29 Sec. 2200. CODE EDITOR DIRECTIVE.

30 1. The Code editor is directed to make the following
 31 transfer:

32 Section 256.40, as amended in this division of this Act, to
 33 section 84A.16.

34 2. The Code editor shall correct internal references in the
 35 Code and in any enacted legislation as necessary due to the

1 enactment of this section.

2 INDUSTRIAL NEW JOBS TRAINING

3 Sec. 2201. Section 15A.7, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. That the employer shall agree to pay wages for the jobs
6 for which the credit is taken of at least the laborshed wage,
7 ~~as calculated by the authority pursuant to section 15.327,~~
8 ~~subsection 15.~~ For purposes of this subsection, "laborshed
9 wage" means the wage level represented by those wages within
10 two standard deviations from the mean wage within the laborshed
11 area in which the eligible business is located, as calculated
12 by the department of workforce development by rule, using the
13 most current covered wage and employment data available to
14 the department for the laborshed area. Eligibility for the
15 supplemental credit shall be based on a one-time determination
16 of starting wages by the community college.

17 Sec. 2202. Section 260E.7, Code 2023, is amended to read as
18 follows:

19 **260E.7 Program review by ~~economic development authority~~**
20 **department of workforce development.**

21 1. The ~~economic development authority~~ department of
22 workforce development, in consultation with the department of
23 education, and the department of revenue, ~~and the department~~
24 ~~of workforce development~~, shall coordinate and review the new
25 jobs training program. The ~~economic development authority~~
26 department of workforce development shall adopt, amend, and
27 repeal rules under chapter 17A that the community college will
28 use in developing projects with new and expanding industrial
29 new jobs training proposals and that the ~~economic development~~
30 ~~authority~~ department of workforce development shall use to
31 review and report on the new jobs training program as required
32 in this section.

33 2. a. The ~~authority~~ department of workforce development,
34 in consultation with the community colleges participating
35 in the new jobs training program pursuant to this chapter,

1 shall identify the information necessary to effectively
 2 coordinate and review the program, and the community colleges
 3 shall provide such information to the authority department.
 4 Using the information provided, the authority department, in
 5 consultation with the community colleges, shall issue a report
 6 on the effectiveness of the program.

7 **b.** In coordinating and reviewing the program, the department
 8 of workforce development shall give due regard ~~shall be given~~
 9 to the confidentiality of certain information provided by the
 10 community colleges, ~~and the authority shall comply with the~~
 11 ~~provisions of section 15.118 to the extent that such provisions~~
 12 ~~are applicable to the new jobs training program.~~

13 3. The authority department of workforce development
 14 is authorized to make any rule that is adopted, amended,
 15 or repealed effective immediately upon filing with the
 16 administrative rules coordinator or at a subsequent stated date
 17 prior to indexing and publication, or at a stated date less
 18 than thirty-five days after filing, indexing, and publication.

19 Sec. 2203. Section 403.21, subsections 2 and 3, Code 2023,
 20 are amended to read as follows:

21 2. The community college shall send a copy of the final
 22 agreement prepared pursuant to section 260E.3 to the ~~economic~~
 23 ~~development authority~~ department of workforce development.
 24 For each year in which incremental property taxes are used to
 25 pay job training certificates issued for a project creating
 26 new jobs, the community college shall provide to the ~~economic~~
 27 ~~development authority~~ department of workforce development
 28 a report of the incremental property taxes and new jobs
 29 credits from withholding generated for that year, a specific
 30 description of the training conducted, the number of employees
 31 provided program services under the project, the median
 32 wage of employees in the new jobs in the project, and the
 33 administrative costs directly attributable to the project.

34 3. For each year in which incremental property taxes are
 35 used to retire debt service on a jobs training advance issued

1 for a project creating new jobs, the community college shall
2 provide to the ~~economic development authority~~ department of
3 workforce development a report of the incremental property
4 taxes and new jobs credits from withholding generated for that
5 year, a specific description of the training conducted, the
6 number of employees provided services under the project, the
7 median wage of employees in the new jobs in the project, and
8 the administrative costs directly attributable to the project.

9 Sec. 2204. Section 422.16A, Code 2023, is amended to read
10 as follows:

11 **422.16A Job training withholding — certification and**
12 **transfer.**

13 Upon the completion by a business of its repayment
14 obligation for a training project funded under chapter 260E,
15 including a job training project funded under section 15A.8
16 or repaid in whole or in part by the supplemental new jobs
17 credit from withholding under section 15A.7 or section 15E.197,
18 Code 2014, the sponsoring community college shall report to
19 the ~~economic development authority~~ department of workforce
20 development the amount of withholding paid by the business
21 to the community college during the final twelve months of
22 withholding payments. The ~~economic development authority~~
23 department of workforce development shall notify the department
24 of revenue of that amount. The department of revenue shall
25 credit to the workforce development fund account established in
26 section 15.342A twenty-five percent of that amount each quarter
27 for a period of ten years. If the amount of withholding from
28 the business or employer is insufficient, the department of
29 revenue shall prorate the quarterly amount credited to the
30 workforce development fund account. The maximum amount from
31 all employers which shall be transferred to the workforce
32 development fund account in any year is seven million seven
33 hundred fifty thousand dollars.

34 Sec. 2205. CODE EDITOR DIRECTIVE.

35 1. The Code editor is directed to make the following

1 transfers:

2 a. Section 15A.7 to section 260J.1.

3 b. Section 15A.8 to section 260J.2.

4 2. The Code editor shall correct internal references in the
5 Code and in any enacted legislation as necessary due to the
6 enactment of this section.

7 JOB TRAINING

8 Sec. 2206. Section 260F.2, subsection 2, Code 2023, is
9 amended by striking the subsection.

10 Sec. 2207. Section 260F.2, subsections 4, 5, and 11, Code
11 2023, are amended to read as follows:

12 4. "*Date of commencement of the project*" means the date
13 of the preliminary agreement or the date an application for
14 assistance is received by the authority department.

15 5. "*Eligible business*" or "*business*" means a business
16 training employees which is engaged in interstate or intrastate
17 commerce for the purpose of manufacturing, processing, or
18 assembling products, conducting research and development, or
19 providing services in interstate commerce, but excludes retail,
20 health, or professional services and which meets the other
21 criteria established by the authority department. "*Eligible*
22 *business*" does not include a business whose training costs can
23 be economically funded under chapter 260E, a business which
24 closes or substantially reduces its employment base in order
25 to relocate substantially the same operation to another area
26 of the state, or a business which is involved in a strike,
27 lockout, or other labor dispute in Iowa.

28 11. "*Project*" means a training arrangement which is the
29 subject of an agreement entered into between the community
30 college and a business to provide program services. "*Project*"
31 also means a training arrangement which is sponsored by the
32 authority department and administered under sections 260F.6A
33 and 260F.6B.

34 Sec. 2208. Section 260F.2, Code 2023, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 4A. *"Department"* means the department of
2 workforce development.

3 Sec. 2209. Section 260F.3, subsection 5, Code 2023, is
4 amended to read as follows:

5 5. Other criteria established by the department of
6 education.

7 Sec. 2210. Section 260F.6, subsections 1 and 2, Code 2023,
8 are amended to read as follows:

9 1. There is established for the community colleges a job
10 training fund in the ~~economic development authority~~ department
11 of workforce development in the workforce development fund
12 established in section 15.342A. The job training fund consists
13 of moneys appropriated for the purposes of this chapter plus
14 the interest and principal from repayment of advances made to
15 businesses for program costs, plus the repayments, including
16 interest, of loans made from that retraining fund, and interest
17 earned from moneys in the job training fund.

18 2. To provide funds for the present payment of the costs
19 of a training program by the business, the community college
20 may provide to the business an advance of the moneys to be used
21 to pay for the program costs as provided in the agreement.
22 To receive the funds for this advance from the job training
23 fund established in subsection 1, the community college shall
24 submit an application to the ~~authority~~ department. The amount
25 of the advance shall not exceed fifty thousand dollars for
26 any business site, or one hundred thousand dollars within
27 a three-fiscal-year period for any business site. If the
28 project involves a consortium of businesses, the maximum award
29 per project shall not exceed one hundred thousand dollars.
30 Participation in a consortium does not affect a business
31 site's eligibility for individual project assistance. Prior
32 to approval a business shall agree to match program amounts
33 in accordance with criteria established by the ~~authority~~
34 department.

35 Sec. 2211. Section 260F.6A, Code 2023, is amended to read

1 as follows:

2 **260F.6A Business network training projects.**

3 The community colleges and the ~~authority~~ department are
4 authorized to fund business network training projects which
5 include five or more businesses and are located in two or more
6 community college districts. A business network training
7 project must have a designated organization or lead business
8 to serve as the administrative entity that will coordinate the
9 training program. The businesses must have common training
10 needs and develop a plan to meet those needs. The ~~authority~~
11 department shall adopt rules governing this section's operation
12 and participant eligibility.

13 Sec. 2212. Section 260F.6B, Code 2023, is amended to read
14 as follows:

15 **260F.6B High technology apprenticeship program.**

16 The community colleges and the ~~authority~~ department
17 are authorized to fund high technology apprenticeship
18 programs which comply with the requirements specified in
19 section 260C.44 and which may include both new and statewide
20 apprenticeship programs. Notwithstanding the provisions
21 of section 260F.6, subsection 2, relating to maximum award
22 amounts, moneys allocated to the community colleges with high
23 technology apprenticeship programs shall be distributed to the
24 community colleges based upon contact hours under the programs
25 administered during the prior fiscal year as determined by
26 the department of education. The ~~authority~~ department shall
27 adopt rules governing this section's operation and participant
28 eligibility.

29 Sec. 2213. Section 260F.7, Code 2023, is amended to read as
30 follows:

31 **260F.7 ~~Authority to coordinate~~ Coordination — department of**
32 **workforce development.**

33 The ~~authority~~ department, in consultation with the
34 department of education ~~and the department of workforce~~
35 ~~development~~, shall coordinate the jobs training program. A

1 project shall not be funded under this chapter unless the
2 authority department approves the project. The authority
3 department shall adopt rules pursuant to chapter 17A governing
4 the program's operation and eligibility for participation in
5 the program. The authority department shall establish by rule
6 criteria for determining what constitutes an eligible business.

7 Sec. 2214. Section 260F.8, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. For each fiscal year, the authority department shall
10 make funds available to the community colleges. The authority
11 department shall allocate by formula from the moneys in
12 the fund an amount for each community college to be used to
13 provide the financial assistance for proposals of businesses
14 whose applications have been approved by the authority
15 department. The financial assistance shall be provided by
16 the authority department from the amount set aside for that
17 community college. If any portion of the moneys set aside for
18 a community college have not been used or committed by May
19 1 of the fiscal year, that portion is available for use by
20 the authority department to provide financial assistance to
21 businesses applying to other community colleges. The authority
22 department shall adopt by rule a formula for this set-aside.

23 Sec. 2215. TRANSITION PROVISIONS.

24 1. A project that is entered into by a community college
25 and a business under section 260F.3 prior to the effective
26 date of this division of this Act shall be valid and continue
27 as provided in the terms of the agreement and shall be
28 administered by the department of workforce development.

29 2. A project sponsored by and administered under section
30 260F.6A or 260F.6B by the economic development authority prior
31 to the effective date of this division of this Act shall be
32 valid and continue as provided by the terms of the training
33 arrangement and shall be administered by the department of
34 workforce development.

35 WORKFORCE DEVELOPMENT FUND PROGRAM

1 Sec. 2216. Section 15.108, subsection 6, Code 2023, is
2 amended by striking the subsection.

3 Sec. 2217. Section 15.341, Code 2023, is amended to read as
4 follows:

5 **15.341 Workforce development fund program.**

6 This ~~part~~ chapter shall be known as the "*Workforce*
7 *Development Fund*" program.

8 Sec. 2218. Section 15.342, Code 2023, is amended to read as
9 follows:

10 **15.342 Purpose.**

11 The purpose of this ~~part~~ chapter shall be to provide a
12 mechanism for funding workforce development programs listed in
13 section 15.343, subsection 2, in order to more efficiently meet
14 the needs identified within those individual programs.

15 Sec. 2219. Section 15.342A, Code 2023, is amended to read
16 as follows:

17 **15.342A Workforce development fund account.**

18 1. A workforce development fund account is established in
19 the office of the treasurer of state under the control of the
20 authority department of workforce development. The account
21 shall receive funds pursuant to section 422.16A.

22 2. For the fiscal year beginning July 1, ~~2014~~ 2023,
23 and for each fiscal year thereafter, there is annually
24 appropriated from the workforce development fund account to the
25 apprenticeship training program fund created in section 15B.3
26 three million dollars for the purposes of chapter 15B.

27 3. For the fiscal year beginning July 1, ~~2014~~ 2023, and for
28 each fiscal year thereafter, there is annually appropriated
29 from the workforce development fund account to the job training
30 fund created in section 260F.6 four million seven hundred fifty
31 thousand dollars for the purposes of chapter 260F.

32 Sec. 2220. Section 15.343, subsections 1 and 2, Code 2023,
33 are amended to read as follows:

34 1. *a.* A workforce development fund is created as a
35 revolving fund in the state treasury under the control of the

1 authority department of workforce development consisting of any
 2 moneys appropriated by the general assembly for that purpose
 3 and any other moneys available to and obtained or accepted by
 4 the authority department of workforce development from the
 5 federal government or private sources for placement in the
 6 fund. The fund shall also include moneys appropriated to the
 7 fund from the workforce development fund account established
 8 in section 15.342A.

9 **b.** Notwithstanding section 8.33, moneys in the workforce
 10 development fund at the end of each fiscal year shall not
 11 revert to any other fund but shall remain in the workforce
 12 development fund for expenditure for subsequent fiscal years.

13 **2.** The assets of the fund shall be used by the authority
 14 department of workforce development for the following programs
 15 and purposes:

16 **a.** Projects under chapter 260F. The authority department of
 17 workforce development shall require a match from all businesses
 18 participating in a training project under chapter 260F.

19 **b.** Apprenticeship programs under section 260C.44, including
 20 new or statewide building trades apprenticeship programs.

21 **c.** ~~To cover the costs of the administration of workforce~~
 22 ~~development programs and services available through the~~
 23 ~~authority. A portion of these funds may be used to~~ To support
 24 efforts by the community colleges to provide workforce services
 25 to Iowa employers.

26 **Sec. 2221.** Section 15.344, Code 2023, is amended to read as
 27 follows:

28 **15.344 Common system — assessment and tracking.**

29 The authority department of workforce development shall use
 30 information from the customer tracking system ~~administered by~~
 31 ~~the department of workforce development~~ under section 84A.5 to
 32 determine the economic impact of the programs. To the extent
 33 possible, the authority department shall track individuals and
 34 businesses who have received assistance or services through
 35 the fund to determine whether the assistance or services have

1 resulted in increased wages paid to the individuals or paid by
2 the businesses.

3 Sec. 2222. CODE EDITOR DIRECTIVE.

4 1. The Code editor is directed to make the following
5 transfers:

- 6 a. Section 15.341 to section 84F.1.
- 7 b. Section 15.342 to section 84F.2.
- 8 c. Section 15.342A to section 84F.3.
- 9 d. Section 15.343 to section 84F.4.
- 10 e. Section 15.344 to section 84F.5.

11 2. The Code editor shall correct internal references in the
12 Code and in any enacted legislation as necessary due to the
13 enactment of this section.

14 ACCELERATED CAREER EDUCATION PROGRAM

15 Sec. 2223. Section 260G.3, subsection 2, unnumbered
16 paragraph 1, Code 2023, is amended to read as follows:

17 An agreement may include reasonable and necessary provisions
18 to implement the accelerated career education program. If
19 an agreement is entered into, the community college and the
20 employer shall notify the department of revenue as soon as
21 possible. The community college shall also file a copy of the
22 agreement with the ~~economic development authority~~ department
23 of workforce development as required in section 260G.4B. The
24 agreement shall provide for program costs, including deferred
25 costs, which may be paid from any of the following sources:

26 Sec. 2224. Section 260G.4B, Code 2023, is amended to read
27 as follows:

28 **260G.4B Maximum statewide program job credit.**

29 1. The total amount of program job credits from all
30 employers which shall be allocated for all accelerated career
31 education programs in the state in any one fiscal year shall
32 not exceed five million four hundred thousand dollars. A
33 community college shall file a copy of each agreement with
34 the ~~economic development authority~~ department of workforce
35 development. The ~~authority~~ department of workforce development

1 shall maintain an annual record of the proposed program job
2 credits under each agreement for each fiscal year. Upon
3 receiving a copy of an agreement, the authority department of
4 workforce development shall allocate any available amount of
5 program job credits to the community college according to the
6 agreement sufficient for the fiscal year and for the term of
7 the agreement. When the total available program job credits
8 are allocated for a fiscal year, the authority department of
9 workforce development shall notify all community colleges that
10 the maximum amount has been allocated and that further program
11 job credits will not be available for the remainder of the
12 fiscal year. Once program job credits have been allocated to
13 a community college, the full allocation shall be received by
14 the community college throughout the fiscal year and for the
15 term of the agreement even if the statewide program job credit
16 maximum amount is subsequently allocated and used.

17 2. ~~For the fiscal years beginning July 1, 2000, and~~
18 ~~July 1, 2001, the department of economic development shall~~
19 ~~allocate eighty thousand dollars of the first one million two~~
20 ~~hundred thousand dollars of program job credits authorized and~~
21 ~~available for that fiscal year to each community college. This~~
22 ~~allocation shall be used by each community college to provide~~
23 ~~funding for approved programs. For the fiscal year beginning~~
24 ~~July 1, 2002~~ 2023, and for every fiscal year thereafter,
25 the ~~economic development authority~~ department of workforce
26 development shall divide equally among the community colleges
27 thirty percent of the program job credits available for that
28 fiscal year for allocation to each community college to be used
29 to provide funding for approved programs. If any portion of
30 the allocation to a community college under this subsection
31 has not been committed by April 1 of the fiscal year for which
32 the allocation is made, the uncommitted portion is available
33 for use by other community colleges. Once a community college
34 has committed its allocation for any fiscal year under this
35 subsection, the community college may receive additional

1 program job credit allocations from those program job credits
2 authorized and still available for that fiscal year.

3 Sec. 2225. Section 260G.4C, Code 2023, is amended to read
4 as follows:

5 **260G.4C ~~Facilitator~~ Administration and reporting.**

6 The ~~economic development authority~~ department of workforce
7 development shall administer the statewide allocations of
8 program job credits to accelerated career education programs.
9 The ~~authority~~ department of workforce development shall provide
10 information about the accelerated career education programs ~~in~~
11 ~~accordance with its annual reporting requirements in section~~
12 ~~15.107B~~ to the general assembly annually on or before March 15.

13 Sec. 2226. Section 260G.6, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. An accelerated career education fund is established
16 in the state treasury under the control of the department of
17 workforce development consisting of moneys appropriated to the
18 fund for purposes of funding the cost of accelerated career
19 education program capital projects.

20 Sec. 2227. TRANSITION PROVISIONS.

21 1. On the effective date of this division of this Act,
22 all unencumbered and unobligated moneys remaining in the
23 accelerated career education fund established in section 260G.6
24 shall be under the control of the department of workforce
25 development.

26 2. a. All agreements entered into by a community college
27 under section 260G.3 prior to the effective date of this
28 division of this Act shall be valid and continue as provided
29 in the terms of the agreement.

30 b. Job credits shall be honored per an agreement entered
31 into under paragraph "a" that includes a provision for program
32 job credits.

33 **OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM**

34 Sec. 2228. Section 231.23A, subsection 2, Code 2023, is
35 amended by striking the subsection.

1 Sec. 2229. Section 231.51, Code 2023, is amended to read as
2 follows:

3 **231.51 Older American community service employment program.**

4 1. The department of workforce development shall direct
5 and administer the older American community service employment
6 program as authorized by the federal Act ~~in coordination with~~
7 ~~the department of workforce development~~ Older Americans Act of
8 1965, 42 U.S.C. §3001 et seq., as amended.

9 2. The purpose of the program is to foster individual
10 economic self-sufficiency and to increase the number of
11 participants placed in unsubsidized employment in the public
12 and private sectors while maintaining the community service
13 focus of the program.

14 3. Funds appropriated to the department of workforce
15 development from the United States department of labor shall
16 be distributed to subgrantees in accordance with federal
17 requirements.

18 4. The department of workforce development shall require
19 such uniform reporting and financial accounting by subgrantees
20 as may be necessary to fulfill the purposes of this section.

21 5. The older American community service employment program
22 shall be coordinated with the federal Workforce Innovation and
23 Opportunity Act administered by the department of workforce
24 development.

25 Sec. 2230. REPEAL. Section 231.53, Code 2023, is repealed.

26 Sec. 2231. CODE EDITOR DIRECTIVE.

27 1. The Code editor is directed to make the following
28 transfer:

29 Section 231.51 to section 84A.17.

30 2. The Code editor shall correct internal references in the
31 Code and in any enacted legislation as necessary due to the
32 enactment of this section.

33 Sec. 2232. TRANSITION PROVISIONS. On the effective date
34 of this division of this Act, all unencumbered and unobligated
35 moneys remaining in any account or fund under the control of

1 the department on aging and relating to this division of this
 2 Act shall be transferred to a comparable fund or account under
 3 the control of the department of workforce development for
 4 purposes of this division of this Act. Notwithstanding section
 5 8.33, the moneys transferred in accordance with this subsection
 6 shall not revert to the account or fund from which the moneys
 7 are appropriated or transferred.

8 VOCATIONAL REHABILITATION

9 Sec. 2233. Section 19B.2, subsection 2, Code 2023, is
 10 amended to read as follows:

11 2. It is the policy of this state to permit special
 12 appointments by bypassing the usual testing procedures for any
 13 applicant for whom the division of vocational rehabilitation
 14 services of the department of ~~education~~ workforce development
 15 or the department for the blind has certified the applicant's
 16 disability and competence to perform the job. The department
 17 of administrative services, in cooperation with the department
 18 for the blind and the division of vocational rehabilitation
 19 services, shall develop appropriate certification procedures.
 20 This subsection should not be interpreted to bar promotional
 21 opportunities for persons who are blind or persons with
 22 physical or mental disabilities. If this subsection conflicts
 23 with any other provisions of this chapter, the provisions of
 24 this subsection govern.

25 Sec. 2234. Section 84A.1, subsection 4, Code 2023, is
 26 amended to read as follows:

27 4. The department of workforce development shall include
 28 the division of ~~labor services, the division of workers'~~
 29 ~~compensation,~~ vocational rehabilitation services, and other
 30 divisions as appropriate.

31 Sec. 2235. Section 84A.1A, subsection 1, paragraph a,
 32 subparagraph (7), Code 2023, is amended to read as follows:

33 (7) The administrator of the division of Iowa vocational
 34 rehabilitation services of the department of ~~education~~
 35 workforce development or the administrator's designee.

1 Sec. 2236. Section 84A.4, subsection 2, paragraph b,
2 subparagraph (4), subparagraph division (a), subparagraph
3 subdivision (iii), Code 2023, is amended to read as follows:

4 (iii) The members shall include at least one appropriate
5 representative of the programs carried out under Tit. I of
6 the federal Rehabilitation Act of 1973, as codified at 29
7 U.S.C. §720 et seq., relating to vocational rehabilitation
8 services, excluding 29 U.S.C. §732 and 741, serving the local
9 workforce development area and nominated by the administrator
10 of the division of vocational rehabilitation services of the
11 department of ~~education~~ workforce development or director of
12 the department for the blind, as appropriate.

13 Sec. 2237. Section 85.70, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. An employee who has sustained an injury resulting
16 in permanent partial or permanent total disability, for
17 which compensation is payable under this chapter other than
18 an injury to the shoulder compensable pursuant to section
19 85.34, subsection 2, paragraph "n", and who cannot return
20 to gainful employment because of such disability, shall upon
21 application to and approval by the workers' compensation
22 commissioner be entitled to a one hundred dollar weekly
23 payment from the employer in addition to any other benefit
24 payments, during each full week in which the employee is
25 actively participating in a vocational rehabilitation program
26 recognized by the vocational rehabilitation services division
27 of the department of ~~education~~ workforce development. The
28 workers' compensation commissioner's approval of such
29 application for payment may be given only after a careful
30 evaluation of available facts, and after consultation with the
31 employer or the employer's representative. Judicial review
32 of the decision of the workers' compensation commissioner
33 may be obtained in accordance with the terms of the Iowa
34 administrative procedure Act, chapter 17A, and in section
35 86.26. Such additional benefit payment shall be paid for a

1 period not to exceed thirteen consecutive weeks except that
2 the workers' compensation commissioner may extend the period
3 of payment not to exceed an additional thirteen weeks if the
4 circumstances indicate that a continuation of training will in
5 fact accomplish rehabilitation.

6 Sec. 2238. Section 256.1, subsection 1, paragraph d, Code
7 2023, is amended by striking the paragraph.

8 Sec. 2239. Section 256.35A, subsection 2, paragraph b, Code
9 2023, is amended to read as follows:

10 b. In addition, representatives of the department of
11 education, the division of vocational rehabilitation of the
12 department of ~~education~~ workforce development, the department
13 of public health, the department of human services, the Iowa
14 developmental disabilities council, the division of insurance
15 of the department of commerce, and the state board of regents
16 shall serve as ex officio members of the advisory council. Ex
17 officio members shall work together in a collaborative manner
18 to serve as a resource to the advisory council. The council
19 may also form workgroups as necessary to address specific
20 issues within the technical purview of individual members.

21 Sec. 2240. Section 259.2, Code 2023, is amended to read as
22 follows:

23 **259.2 Custodian of funds.**

24 1. The treasurer of state is custodian of moneys received
25 by the state from appropriations made by the Congress of the
26 United States for the vocational rehabilitation of individuals
27 with disabilities, and may receive and provide for the proper
28 custody of the moneys and make disbursement of ~~them~~ the moneys
29 upon the requisition of the director of the department of
30 ~~education~~ workforce development.

31 2. The treasurer of state is appointed custodian of moneys
32 paid by the federal government to the state for the purpose of
33 carrying out the agreement relative to making determinations
34 of disability under Tit. II and Tit. XVI of the federal Social
35 Security Act as amended, 42 U.S.C. ch. 7, and may receive the

1 moneys and make disbursements of ~~them~~ the moneys upon the
2 requisition of the director of the department of ~~education~~
3 workforce development.

4 Sec. 2241. Section 259.3, Code 2023, is amended to read as
5 follows:

6 **259.3 ~~Board and division~~ Division of vocational**
7 **rehabilitation services.**

8 The division of vocational rehabilitation services
9 is established in the department of ~~education~~ workforce
10 development. The director of the department of ~~education~~
11 workforce development shall cooperate with the United States
12 secretary of education in carrying out the federal law cited
13 in sections 259.1 and 259.2 providing for the vocational
14 rehabilitation of individuals with disabilities. ~~The state~~
15 ~~board of education shall adopt rules under chapter 17A for the~~
16 ~~administration of this chapter.~~

17 Sec. 2242. Section 259.5, Code 2023, is amended to read as
18 follows:

19 **259.5 Report to governor.**

20 The division of vocational rehabilitation services shall
21 report biennially to the governor the condition of vocational
22 rehabilitation within the state, designating the educational
23 institutions, establishments, plants, factories, and other
24 agencies in which training is being given, and include a
25 detailed statement of expenditures of the state and federal
26 funds in the rehabilitation of individuals with disabilities.

27 Sec. 2243. Section 259.6, Code 2023, is amended to read as
28 follows:

29 **259.6 Gifts and donations.**

30 The division of vocational rehabilitation services may
31 receive gifts and donations from either public or private
32 sources offered unconditionally or under conditions related to
33 the vocational rehabilitation of individuals with disabilities
34 that are consistent with this chapter.

35 Sec. 2244. Section 259.7, Code 2023, is amended to read as

1 follows:

2 **259.7 Fund.**

3 All the moneys received as gifts or donations shall be
4 deposited in the state treasury and shall constitute a
5 permanent fund to be called the special fund for the vocational
6 rehabilitation of individuals with disabilities, to be used
7 by the director of the department of ~~education~~ workforce
8 development in carrying out the provisions of this chapter or
9 for related purposes.

10 Sec. 2245. Section 259.8, Code 2023, is amended to read as
11 follows:

12 **259.8 Report of gifts.**

13 A ~~full~~ report of all gifts and donations offered and
14 accepted, together with the ~~names of the donors~~ name of each
15 donor and the ~~respective amounts~~ amount contributed by each
16 donor, and all disbursements from the special fund for the
17 vocational rehabilitation of individuals with disabilities
18 shall be submitted ~~at call or~~ biennially to the governor of the
19 ~~state~~ by the ~~division~~ department of workforce development.

20 Sec. 2246. NEW SECTION. **259.10 Rules.**

21 The department of workforce development shall adopt rules
22 under chapter 17A for the administration of this chapter.

23 Sec. 2247. CODE EDITOR DIRECTIVE.

24 1. The Code editor is directed to make the following
25 transfers:

- 26 a. Section 259.1 to section 84G.1.
- 27 b. Section 259.2 to section 84G.2.
- 28 c. Section 259.3 to section 84G.3.
- 29 d. Section 259.4 to section 84G.4.
- 30 e. Section 259.5 to section 84G.5.
- 31 f. Section 259.6 to section 84G.6.
- 32 g. Section 259.7 to section 84G.7.
- 33 h. Section 259.8 to section 84G.8.
- 34 i. Section 259.9 to section 84G.9.
- 35 j. Section 259.10 to section 84G.10.

1 2. The Code editor shall correct internal references in the
2 Code and in any enacted legislation as necessary due to the
3 enactment of this section.

4 Sec. 2248. TRANSITION PROVISION. The agreement between the
5 director of the department of education and the commissioner of
6 the United States social security administration under section
7 259.9 shall remain in full force and effect until amended,
8 repealed, or supplemented by the United States social security
9 administration or by the department of workforce development.

10 APPRENTICESHIP TRAINING PROGRAM

11 Sec. 2249. Section 15.106A, subsection 2, paragraph a, Code
12 2023, is amended to read as follows:

13 a. That through this section and section 15.106B, the
14 authority has been granted broad general powers and specific
15 program powers over all of the authority's statutory programs,
16 including but not limited to the programs created pursuant to
17 chapters 15, 15A, ~~15B, 15C,~~ 15E, and 15J.

18 Sec. 2250. Section 15B.2, subsection 5, Code 2023, is
19 amended by striking the subsection.

20 Sec. 2251. Section 15B.2, Code 2023, is amended by adding
21 the following new subsections:

22 NEW SUBSECTION. 6A. "*Department*" means the department of
23 workforce development.

24 NEW SUBSECTION. 9A. "*Targeted industries*" means the
25 industries of advanced manufacturing, biosciences, and
26 information technology.

27 Sec. 2252. Section 15B.2, subsection 7, Code 2023, is
28 amended to read as follows:

29 7. "*Financial assistance*" means assistance provided only
30 from the funds, rights, and assets legally available to
31 the ~~authority~~ department and includes but is not limited to
32 assistance in the forms of grants, loans, forgivable loans, and
33 royalty payments.

34 Sec. 2253. Section 15B.3, subsections 1, 2, 3, and 4, Code
35 2023, are amended to read as follows:

1 1. An apprenticeship training program fund is created as a
2 revolving fund in the state treasury under the control of the
3 authority department.

4 2. The fund shall consist of moneys appropriated for
5 purposes of the apprenticeship training program, and any other
6 moneys lawfully available to the authority department for
7 purposes of this chapter.

8 3. Moneys in the fund are appropriated to the authority
9 department for the purposes of this chapter.

10 4. No more than two percent of the total moneys deposited
11 in the fund on July 1 of a fiscal year is appropriated to the
12 authority department for the purposes of administering this
13 chapter.

14 Sec. 2254. Section 15B.3, subsection 6, Code 2023, is
15 amended by striking the subsection.

16 Sec. 2255. Section 15B.4, subsection 1, paragraph a, Code
17 2023, is amended to read as follows:

18 a. An apprenticeship sponsor or lead apprenticeship
19 sponsor that conducts an apprenticeship program that is
20 registered with the United States department of labor, office
21 of apprenticeship, through Iowa, for apprentices who will
22 be employed at worksites located in this state may apply to
23 the authority department for financial assistance under this
24 section if the apprenticeship program includes a minimum of one
25 hundred contact hours per apprentice for each training year of
26 the apprenticeship program.

27 Sec. 2256. Section 15B.4, subsection 2, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 The authority department shall provide financial assistance
30 in the form of training grants to eligible apprenticeship
31 sponsors or lead apprenticeship sponsors in the following
32 manner:

33 Sec. 2257. Section 15B.4, subsection 3, unnumbered
34 paragraph 1, Code 2023, is amended to read as follows:

35 An apprenticeship sponsor or lead apprenticeship sponsor

1 seeking financial assistance under this section shall provide
2 the following information to the ~~authority~~ department:

3 Sec. 2258. Section 15B.4, subsection 3, paragraph e, Code
4 2023, is amended to read as follows:

5 e. Any other information the ~~authority~~ department reasonably
6 determines is necessary.

7 Sec. 2259. Section 15B.4, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. The apprenticeship sponsor or lead apprenticeship
10 sponsor and the ~~authority~~ department shall enter into an
11 agreement regarding the provision of any financial assistance
12 to the apprenticeship sponsor or lead apprenticeship sponsor.

13 Sec. 2260. NEW SECTION. 15B.5 Rules.

14 The department shall adopt rules to administer this chapter.

15 Sec. 2261. 2021 Iowa Acts, chapter 45, section 5, is amended
16 to read as follows:

17 SEC. 5. APPLICABILITY. This Act applies to financial
18 assistance provided by the economic development authority to
19 apprenticeship sponsors and lead apprenticeship sponsors that
20 apply for financial assistance on or after July 1, 2021, and on
21 or before June 30, 2023.

22 Sec. 2262. CODE EDITOR DIRECTIVE.

23 1. The Code editor is directed to make the following
24 transfers:

25 a. Section 15B.1 to section 84D.1.

26 b. Section 15B.2 to section 84D.2.

27 c. Section 15B.3 to section 84D.3.

28 d. Section 15B.4 to section 84D.4.

29 e. Section 15B.5 to section 84D.5.

30 2. The Code editor shall correct internal references in the
31 Code and in any enacted legislation as necessary due to the
32 enactment of this section.

33 Sec. 2263. TRANSITION PROVISION. All agreements entered
34 into by an apprenticeship sponsor or lead apprenticeship
35 sponsor and the economic development authority regarding the

1 provision of any financial assistance to the apprenticeship
2 sponsor or lead apprenticeship sponsor prior to the effective
3 date of this division of this Act shall be valid and continue
4 as provided in the terms of the agreement.

5 FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAM

6 Sec. 2264. Section 15C.1, subsection 1, paragraph f, Code
7 2023, is amended by striking the paragraph and inserting in
8 lieu thereof the following:

9 *f. "Department" means the department of workforce*
10 *development.*

11 Sec. 2265. Section 15C.1, subsection 1, paragraphs g and h,
12 Code 2023, are amended to read as follows:

13 *g. "Eligible apprenticeable occupation" means an*
14 *apprenticeable occupation identified by the workforce*
15 *development board or a community college pursuant to section*
16 *84A.1B, subsection 14, as a high-demand job, ~~after consultation~~*
17 *~~with the authority.~~*

18 *h. "Financial assistance" means assistance provided only*
19 *from the funds, rights, and assets legally available to*
20 *the ~~authority~~ department and includes but is not limited*
21 *to assistance in the form of a reimbursement grant to*
22 *support the costs associated with establishing a new*
23 *eligible apprenticeable occupation or an additional eligible*
24 *apprenticeable occupation in an applicant's apprenticeship*
25 *program.*

26 Sec. 2266. Section 15C.1, subsection 2, Code 2023, is
27 amended to read as follows:

28 *2. Program created.* Subject to an appropriation of funds
29 by the general assembly for this purpose, a future ready Iowa
30 registered apprenticeship development program is created
31 which shall be administered by the ~~authority~~ department. The
32 purpose of the program is to provide financial assistance to
33 incentivize small and medium-sized apprenticeship sponsors to
34 establish new or additional eligible apprenticeable occupations
35 in the apprenticeship sponsor's apprenticeship program in order

1 to support the growth of apprenticeship programs and expand
2 high-quality work-based learning experiences in high-demand
3 fields and careers for persons who are employed in eligible
4 apprenticeable occupations in Iowa.

5 Sec. 2267. Section 15C.1, subsection 3, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 An apprenticeship sponsor may apply to the ~~authority~~
8 department, on forms provided by the ~~authority~~ department and
9 in accordance with the ~~authority's~~ department's instructions,
10 to receive financial assistance under the program. The
11 ~~authority~~ department shall provide upon request and on the
12 ~~authority's~~ department's internet site information about the
13 program, the application, application instructions, and the
14 application period established each year for funding available
15 under the program. The application shall include a description
16 of how the financial assistance awarded under this section
17 would be used to establish an apprenticeship program or add new
18 or additional apprenticeable occupations to the apprenticeship
19 sponsor's apprenticeship program and the anticipated program
20 expenses identified by the applicant.

21 Sec. 2268. Section 15C.1, subsection 3, paragraph a,
22 subparagraphs (1) and (2), Code 2023, are amended to read as
23 follows:

24 (1) Twenty or fewer apprentices are registered in the
25 existing apprenticeship program as of December 31 of the
26 calendar year prior to the date the ~~authority~~ department
27 receives the apprenticeship sponsor's application.

28 (2) More than seventy percent of the applicant's
29 apprentices ~~shall be~~ are residents of Iowa, and the remainder
30 of the applicant's apprentices ~~shall be~~ are residents of states
31 contiguous to Iowa. In determining the number of apprentices
32 in an applicant's apprenticeship program, the ~~authority~~
33 department may calculate the average number of apprentices in
34 the program within the most recent two-year period.

35 Sec. 2269. Section 15C.1, subsections 4 and 5, Code 2023,

1 are amended to read as follows:

2 4. *Rules.* The ~~authority~~ department shall adopt rules
3 pursuant to chapter 17A establishing a staff review and
4 application approval process, application scoring criteria, the
5 minimum score necessary for approval of financial assistance,
6 procedures for notification of an award of financial
7 assistance, the terms of agreement between the apprenticeship
8 sponsor and the ~~authority~~ department, and any other rules
9 deemed necessary for the implementation and administration of
10 this section.

11 5. *Agreement.* Prior to distributing financial assistance
12 under this section, the ~~authority~~ department shall enter
13 into an agreement with the apprenticeship sponsor awarded
14 financial assistance in accordance with this section, and the
15 financial assistance recipient shall confirm the expenses for
16 establishing the program or adding the additional occupations
17 as identified in the approved application, and shall meet all
18 terms established by the ~~authority~~ department for receipt of
19 financial assistance under this section.

20 Sec. 2270. Section 15C.1, subsection 6, paragraph b, Code
21 2023, is amended to read as follows:

22 b. Notwithstanding section 8.33, moneys appropriated to the
23 ~~authority~~ department by the general assembly for purposes of
24 this section that remain unencumbered or unobligated at the
25 end of the fiscal year shall not revert to the general fund
26 but shall remain available for expenditure for the purposes
27 designated in subsequent fiscal years.

28 Sec. 2271. CODE EDITOR DIRECTIVE.

29 1. The Code editor is directed to make the following
30 transfer:

31 Section 15C.1 to section 84E.1.

32 2. The Code editor shall correct internal references in the
33 Code and in any enacted legislation as necessary due to the
34 enactment of this section, including references to chapter 15C.

35 Sec. 2272. TRANSITION PROVISION. All agreements entered

1 into by an apprenticeship sponsor and the economic development
 2 authority under section 15C.1, subsection 5, prior to the
 3 effective date of this division of this Act shall be valid and
 4 continue as provided in the terms of the agreement.

5 FUTURE READY IOWA EXPANDED REGISTERED APPRENTICESHIP
 6 OPPORTUNITIES PROGRAM

7 Sec. 2273. Section 15C.2, subsection 1, paragraph e, Code
 8 2023, is amended by striking the paragraph and inserting in
 9 lieu thereof the following:

10 e. "*Department*" means the department of workforce
 11 development.

12 Sec. 2274. Section 15C.2, subsection 1, paragraph h, Code
 13 2023, is amended to read as follows:

14 h. "*Financial assistance*" means assistance provided only
 15 from the funds, rights, and assets legally available to
 16 the ~~authority~~ department and includes but is not limited
 17 to assistance in the form of a reimbursement grant of one
 18 thousand dollars per apprentice in an eligible apprenticeable
 19 occupation.

20 Sec. 2275. Section 15C.2, subsection 2, Code 2023, is
 21 amended to read as follows:

22 2. *Program created.* Subject to an appropriation of funds
 23 by the general assembly for this purpose, a future ready Iowa
 24 expanded registered apprenticeship opportunities program
 25 is created which shall be administered by the ~~authority~~
 26 department. The purpose of the program is to provide
 27 financial assistance to encourage apprenticeship sponsors of
 28 apprenticeship programs with twenty or fewer apprentices to
 29 maintain apprenticeship programs in high-demand occupations.

30 Sec. 2276. Section 15C.2, subsection 3, unnumbered
 31 paragraph 1, Code 2023, is amended to read as follows:

32 An eligible apprenticeship sponsor may apply to the
 33 ~~authority~~ department, on forms provided by the ~~authority~~
 34 department and in accordance with the ~~authority's~~ department's
 35 instructions, to receive financial assistance under the

1 program. The authority department shall provide upon request
2 and on the authority's department's internet site information
3 about the program, the application, application instructions,
4 and the application period established each year for funding
5 available under the program.

6 Sec. 2277. Section 15C.2, subsection 3, paragraph a,
7 subparagraphs (1) and (2), Code 2023, are amended to read as
8 follows:

9 (1) Twenty or fewer apprentices are registered in the
10 apprenticeship program as of December 31 of the calendar
11 year prior to the date the authority department receives the
12 eligible apprenticeship sponsor's application.

13 (2) More than seventy percent of the applicant's
14 apprentices are residents of Iowa, and the remainder of the
15 applicant's apprentices are residents of states contiguous
16 to Iowa. In determining the number of apprentices in an
17 applicant's apprenticeship program, the authority department
18 may calculate the average number of apprentices in the program
19 within the most recent two-year period.

20 Sec. 2278. Section 15C.2, subsections 4 and 5, Code 2023,
21 are amended to read as follows:

22 4. *Rules.* The authority department shall adopt rules
23 pursuant to chapter 17A establishing a staff review and
24 application approval process, application scoring criteria, the
25 minimum score necessary for approval of financial assistance,
26 procedures for notification of an award of financial
27 assistance, the terms of agreement between the apprenticeship
28 sponsor and the authority department, and any other rules
29 deemed necessary for the implementation and administration of
30 this section.

31 5. *Agreement.* Prior to distributing financial assistance
32 under this section, the authority department shall enter into
33 an agreement with the eligible apprenticeship sponsor awarded
34 financial assistance in accordance with this section, and
35 the financial assistance recipient shall confirm the number

1 of apprentices in eligible apprenticeable occupations as
2 identified in the approved application, and shall meet all
3 terms established by the ~~authority~~ department for receipt of
4 financial assistance under this section.

5 Sec. 2279. Section 15C.2, subsection 7, paragraph b, Code
6 2023, is amended to read as follows:

7 b. Notwithstanding section 8.33, moneys appropriated to the
8 ~~authority~~ department by the general assembly for purposes of
9 this section that remain unencumbered or unobligated at the
10 end of the fiscal year shall not revert to the general fund
11 but shall remain available for expenditure for the purposes
12 designated in subsequent fiscal years.

13 Sec. 2280. CODE EDITOR DIRECTIVE.

14 1. The Code editor is directed to make the following
15 transfer:

16 Section 15C.2 to section 84E.2.

17 2. The Code editor shall correct internal references in the
18 Code and in any enacted legislation as necessary due to the
19 enactment of this section, including references to chapter 15C.

20 Sec. 2281. TRANSITION PROVISION. All agreements entered
21 into by an apprenticeship sponsor and the economic development
22 authority under section 15C.2, subsection 5, regarding the
23 provision of any financial assistance to the apprenticeship
24 sponsor prior to the effective date of this division of this
25 Act shall be valid and continue as provided in the terms of the
26 agreement.

27 EMPLOYMENT AGENCIES

28 Sec. 2282. Section 94A.1, subsection 2, Code 2023, is
29 amended to read as follows:

30 2. ~~"Commissioner"~~ "Director" means the ~~labor commissioner,~~
31 ~~appointed pursuant to section 91.2,~~ director of the department
32 of workforce development or the ~~labor commissioner's~~ director's
33 designee.

34 Sec. 2283. Section 94A.2, Code 2023, is amended to read as
35 follows:

1 **94A.2 Licensing.**

2 1. An employment agency shall obtain a license from the
3 ~~commissioner~~ director prior to transacting any business.

4 Licenses expire on June 30 of each year.

5 2. A license application shall be in the form prescribed by
6 the ~~commissioner~~ director and shall be accompanied by all of
7 the following:

8 a. A surety company bond in the sum of thirty thousand
9 dollars, to be approved by the ~~commissioner~~ director and
10 conditioned to pay any damages that may accrue to any person
11 due to a wrongful act or violation of law on the part of the
12 applicant in the conduct of business.

13 b. The schedule of fees to be charged by the employment
14 agency.

15 c. All contract forms to be signed by an employee.

16 d. An application fee of seventy-five dollars.

17 3. The ~~commissioner~~ director shall grant or deny a license
18 within thirty days from the filing date of a completed
19 application.

20 4. The ~~commissioner~~ director may revoke, suspend, or annul a
21 license ~~in accordance with chapter 17A~~ upon good cause pursuant
22 to rules adopted by the director.

23 Sec. 2284. Section 94A.4, subsection 4, paragraph d, Code
24 2023, is amended to read as follows:

25 d. Charge an employee any fee greater than the fee schedule
26 on file with the ~~commissioner~~ director without prior consent
27 of the ~~commissioner~~ director.

28 Sec. 2285. Section 94A.5, Code 2023, is amended to read as
29 follows:

30 **94A.5 Powers and duties of the ~~commissioner~~ director.**

31 ~~1. At any time, the commissioner~~ The director may examine
32 the records, books, and any papers relating to the conduct and
33 operation of an employment agency at any time.

34 ~~2. The commissioner shall adopt rules pursuant to chapter~~
35 ~~17A to administer this chapter.~~

1 Sec. 2286. Section 94A.6, Code 2023, is amended to read as
2 follows:

3 **94A.6 Violations.**

4 1. A person who violates a provision of this chapter or who
5 refuses the ~~commissioner~~ director access to records, books, and
6 papers pursuant to an examination under section 94A.5 shall be
7 guilty of a simple misdemeanor.

8 2. If a person violates a provision of this chapter or
9 refuses the ~~commissioner~~ director access to records, books,
10 and papers pursuant to an examination under section 94A.5, the
11 ~~commissioner~~ director shall assess a civil penalty against the
12 person in an amount not greater than two thousand dollars.

13 Sec. 2287. NEW SECTION. **94A.7 Rules.**

14 1. The director shall adopt rules pursuant to chapter 17A to
15 administer this chapter.

16 2. The director may establish rules pursuant to chapter
17 17A to assess and collect interest on fees and penalties owed
18 to the department of workforce development. The director may
19 delay or, following written notice, deny the issuance of a
20 license, if the applicant for the license owes a debt to the
21 department of workforce development.

22 Sec. 2288. **CODE EDITOR DIRECTIVE.**

23 1. The Code editor is directed to make the following
24 transfers:

- 25 a. Section 94A.1 to section 84H.1.
- 26 b. Section 94A.2 to section 84H.2.
- 27 c. Section 94A.3 to section 84H.3.
- 28 d. Section 94A.4 to section 84H.4.
- 29 e. Section 94A.5 to section 84H.5.
- 30 f. Section 94A.6 to section 84H.6.
- 31 g. Section 94A.7 to section 84H.7.

32 2. The Code editor shall correct internal references in the
33 Code and in any enacted legislation as necessary due to the
34 enactment of this section.

35 **REPORTS AND RECORDS**

1 Sec. 2289. Section 91.12, Code 2023, is amended to read as
2 follows:

3 **91.12 Reports and records to ~~division of labor services~~.**

4 1. An owner, operator, or manager of every factory,
5 mill, workshop, mine, store, railway, business house, public
6 or private work, or any other establishment where labor is
7 employed, shall submit to the ~~division of labor services~~
8 department of workforce development reports in the form
9 and manner prescribed by the ~~commissioner~~ director of the
10 department of workforce development by rule, for the purpose of
11 compiling labor statistics. The owner, operator, or business
12 manager shall submit the reports within sixty days from receipt
13 of notice, and shall certify under oath the accuracy of the
14 reports. For purposes of this section, "factory", "mill",
15 "workshop", "mine", "store", "railway", "business house", and
16 "public or private work" shall mean any factory, mill, workshop,
17 mine, store, railway, business house, or public or private work
18 where wage earners are employed for compensation.

19 2. Notwithstanding chapter 22, records ~~containing~~ submitted
20 under subsection 1 that contain identifiable financial
21 institution or credit card account numbers ~~obtained by the~~
22 ~~commissioner~~ shall be kept confidential.

23 3. a. Any officer or employee of the department of
24 workforce development who makes unlawful use of a report
25 submitted under subsection 1 shall be guilty of a serious
26 misdemeanor.

27 b. Any person who has access to a report submitted under
28 subsection 1 who makes unlawful use of the report shall be
29 guilty of a serious misdemeanor.

30 c. Any owner, operator, or manager of a factory, mill,
31 workshop, mine, store, railway, business house, or public or
32 private work who fails to submit the report required under
33 subsection 1 shall be guilty of a simple misdemeanor.

34 4. The director of the department of workforce development
35 shall adopt rules pursuant to chapter 17A to administer this

1 section.

2 Sec. 2290. CODE EDITOR DIRECTIVE.

3 1. The Code editor is directed to make the following
4 transfer:

5 Section 91.12 to section 84A.18.

6 2. The Code editor shall correct internal references in the
7 Code and in any enacted legislation as necessary due to the
8 enactment of this section.

9 ADULT EDUCATION

10 Sec. 2291. NEW SECTION. 84A.19 Adult education and literacy
11 programs.

12 1. For purposes of this section, unless the context
13 otherwise requires:

14 a. "*Adult education and literacy programs*" means adult basic
15 education, adult education leading to a high school equivalency
16 diploma under chapter 259A, English as a second language
17 instruction, and workplace and family literacy instruction.

18 b. "*Community colleges*" means the same as defined in section
19 260C.2.

20 2. The department of workforce development and community
21 colleges shall jointly implement adult education and literacy
22 programs to assist adults and youths sixteen years of age and
23 older who are not in school in obtaining the knowledge and
24 skills necessary for further education, work, and community
25 involvement.

26 3. The department of workforce development, in consultation
27 with community colleges, shall prescribe standards for adult
28 education and literacy programs including but not limited
29 to contextualized and integrated instruction, assessments,
30 instructor qualification and professional development, data
31 collection and reporting, and performance benchmarks.

32 4. The department of workforce development, in consultation
33 with community colleges, shall adopt rules pursuant to chapter
34 17A to administer this section.

35 Sec. 2292. Section 260C.50, Code 2023, is amended to read

1 as follows:

2 **260C.50 Adult education and literacy programs.**

3 1. For purposes of this section, "~~adult education and~~
4 ~~literacy programs~~" means ~~adult basic education, adult education~~
5 ~~leading to a high school equivalency diploma under chapter~~
6 ~~259A, English as a second language instruction, workplace and~~
7 ~~family literacy instruction, or~~ integrated basic education and
8 technical skills instruction.

9 2. The department and the community colleges shall jointly
10 implement ~~adult education and literacy programs~~ to assist
11 adults and youths sixteen years of age and older who are not
12 in school in obtaining the knowledge and skills necessary for
13 further education, work, and community involvement.

14 3. The state board, in consultation with the community
15 colleges, shall prescribe standards for adult education ~~and~~
16 ~~literacy programs~~ including but not limited to contextualized
17 and integrated instruction, assessments, instructor
18 qualification and professional development, data collection and
19 reporting, and performance benchmarks.

20 4. The state board, in consultation with the community
21 colleges, shall adopt rules pursuant to chapter 17A to
22 administer this section.

23 DIVISION XII

24 DEPARTMENT OF REVENUE

25 IOWA LOTTERY

26 Sec. 2293. Section 7E.6, subsection 3, Code 2023, is amended
27 to read as follows:

28 3. Any position of membership on the ~~board of the Iowa~~
29 ~~lottery authority~~ board created in section 99G.8 shall receive
30 compensation of fifty dollars per day and expenses.

31 Sec. 2294. Section 68B.35, subsection 2, paragraph e, Code
32 2023, is amended to read as follows:

33 e. Members of the state banking council, the Iowa ethics
34 and campaign disclosure board, the credit union review board,
35 the economic development authority, the employment appeal

1 board, the environmental protection commission, the health
 2 facilities council, the Iowa finance authority, the Iowa public
 3 employees' retirement system investment board, the ~~board of~~
 4 ~~the Iowa lottery authority~~ board created in section 99G.8, the
 5 natural resource commission, the board of parole, the petroleum
 6 underground storage tank fund board, the public employment
 7 relations board, the state racing and gaming commission, the
 8 state board of regents, the transportation commission, the
 9 office of consumer advocate, the utilities board, the Iowa
 10 telecommunications and technology commission, and any full-time
 11 members of other boards and commissions as defined under
 12 section 7E.4 who receive an annual salary for their service
 13 on the board or commission. The Iowa ethics and campaign
 14 disclosure board shall conduct an annual review to determine
 15 if members of any other board, commission, or authority should
 16 file a statement and shall require the filing of a statement
 17 pursuant to rules adopted pursuant to chapter 17A.

18 Sec. 2295. Section 99B.1, subsection 22, Code 2023, is
 19 amended to read as follows:

20 22. "*Merchandise*" means goods or services that are bought
 21 and sold in the regular course of business. "*Merchandise*"
 22 includes lottery tickets or shares sold or authorized under
 23 chapter 99G. The value of the lottery ticket or share is the
 24 price of the lottery ticket or share as established by the Iowa
 25 ~~lottery authority~~ department of revenue pursuant to chapter
 26 99G. "*Merchandise*" includes a gift card if the gift card is not
 27 redeemable for cash.

28 Sec. 2296. Section 99G.1, Code 2023, is amended to read as
 29 follows:

30 **99G.1 Title.**

31 This chapter may be cited as the "*Iowa Lottery Authority*
 32 *Act*".

33 Sec. 2297. Section 99G.2, subsection 2, Code 2023, is
 34 amended by striking the subsection.

35 Sec. 2298. Section 99G.3, subsections 2 and 4, Code 2023,

1 are amended by striking the subsections.

2 Sec. 2299. Section 99G.3, Code 2023, is amended by adding
3 the following new subsections:

4 NEW SUBSECTION. 1A. "*Administrator*" means the administrator
5 of the Iowa lottery appointed pursuant to section 99G.5.

6 NEW SUBSECTION. 4A. "*Department*" means the department of
7 revenue.

8 NEW SUBSECTION. 4B. "*Director*" means the director of the
9 department of revenue or the director's designee.

10 NEW SUBSECTION. 4C. "*Division*" means the Iowa lottery
11 division of the department of revenue.

12 Sec. 2300. Section 99G.3, subsections 3, 7, 14, and 18, Code
13 2023, are amended to read as follows:

14 3. "*Board*" means the board of directors of the ~~authority~~
15 Iowa lottery created in section 99G.8.

16 7. "*Lottery*", "*lotteries*", "*lottery game*", "*lottery games*",
17 or "*lottery products*" means any game of chance approved ~~by the~~
18 ~~board~~ and operated pursuant to this chapter and games using
19 mechanical or electronic devices, provided that the ~~authority~~
20 division shall not authorize a monitor vending machine or a
21 player-activated gaming machine that utilizes an internal
22 randomizer to determine winning and nonwinning plays and that
23 upon random internal selection of a winning play dispenses
24 coins, currency, or a ticket, credit, or token to the player
25 that is redeemable for cash or a prize, and excluding gambling
26 or gaming conducted pursuant to chapter 99B, 99D, or 99F.

27 14. "*Retailer*" means a person who sells lottery tickets
28 or shares on behalf of the ~~authority~~ division pursuant to a
29 license issued by the ~~authority~~ department.

30 18. "*Vendor*" means a person who provides or proposes to
31 provide goods or services to the ~~authority~~ department pursuant
32 to a ~~major~~ procurement contract, but does not include an
33 employee of the ~~authority~~ department under this chapter, a
34 retailer, or a state agency or instrumentality thereof.

35 Sec. 2301. Section 99G.3, subsection 8, Code 2023, is

1 amended by striking the subsection.

2 Sec. 2302. Section 99G.4, Code 2023, is amended to read as
3 follows:

4 **99G.4 Iowa lottery authority created.**

5 1. An Iowa lottery authority is created, ~~effective~~
6 ~~September 1, 2003,~~ which shall ~~administer the state lottery~~be
7 administered by the division. ~~The authority shall be deemed to~~
8 ~~be a public authority and an instrumentality of the state, and~~
9 ~~not a state agency. However, the authority shall be considered~~
10 ~~a state agency for purposes of chapters 17A, 21, 22, 28E, 68B,~~
11 ~~91B, 97B, 509A, and 669.~~

12 2. The income and property of the authority department under
13 this chapter shall be exempt from all state and local taxes,
14 and the sale of lottery tickets and shares issued and sold by
15 the authority division and its retail licensees shall be exempt
16 from all state and local sales taxes.

17 Sec. 2303. Section 99G.5, Code 2023, is amended by striking
18 the section and inserting in lieu thereof the following:

19 **99G.5 Lottery administrator.**

20 1. An administrator of the lottery under this chapter shall
21 be appointed by the governor subject to confirmation by the
22 senate and shall serve at the pleasure of the governor. The
23 administrator shall be qualified by training and experience to
24 manage a lottery.

25 2. The salary of the lottery administrator shall be set by
26 the governor within the applicable salary range established by
27 the general assembly.

28 3. The lottery administrator shall be an employee of the
29 department and shall direct the day-to-day operations and
30 management of the lottery under this chapter as specified by
31 the director.

32 Sec. 2304. Section 99G.6, Code 2023, is amended to read as
33 follows:

34 **99G.6 Power to administer oaths and take testimony —**
35 **subpoena.**

1 The ~~chief executive officer~~ administrator or the ~~chief~~
 2 ~~executive officer's~~ administrator's designee if authorized
 3 to conduct an inquiry, investigation, or hearing under
 4 this chapter may administer oaths and take testimony under
 5 oath relative to the matter of inquiry, investigation, or
 6 hearing. At a hearing ordered by the ~~chief executive officer~~
 7 administrator, the ~~chief executive officer~~ administrator or the
 8 designee may subpoena witnesses and require the production of
 9 records, paper, or documents pertinent to the hearing.

10 Sec. 2305. Section 99G.7, subsection 1, unnumbered
 11 paragraph 1, Code 2023, is amended to read as follows:

12 The ~~chief executive officer of the authority~~ administrator
 13 shall direct and supervise all administrative and technical
 14 activities in accordance with the provisions of this
 15 chapter and with the administrative rules, policies, and
 16 procedures adopted by the board. The ~~chief executive officer~~
 17 administrator shall do all of the following:

18 Sec. 2306. Section 99G.7, subsection 1, paragraphs b and c,
 19 Code 2023, are amended by striking the paragraphs.

20 Sec. 2307. Section 99G.7, subsection 1, paragraphs d, e, f,
 21 g, and i, Code 2023, are amended to read as follows:

22 *d.* Promote or provide for promotion of the lottery and any
 23 functions related to the authority division under this chapter.

24 *e.* Prepare a budget for the approval of the ~~board~~ director
 25 for activities of the division under this chapter.

26 *f.* Require bond from such retailers and vendors in such
 27 amounts as required by the ~~board~~ division.

28 *g.* Report semiannually to the general assembly's standing
 29 committees on government oversight regarding the operations of
 30 the authority division.

31 *i.* Perform other duties ~~generally associated with a chief~~
 32 ~~executive officer of an authority of an entrepreneurial nature~~
 33 as necessary to administer this chapter.

34 Sec. 2308. Section 99G.7, subsections 2, 3, and 4, Code
 35 2023, are amended to read as follows:

1 2. The ~~chief executive officer~~ administrator shall conduct
 2 an ongoing study of the operation and administration of lottery
 3 laws similar to this chapter in other states or countries,
 4 of available literature on the subject, of federal laws and
 5 regulations which may affect the operation of the lottery
 6 and of the reaction of citizens of this state to existing
 7 or proposed features of lottery games with a view toward
 8 implementing improvements that will tend to serve the purposes
 9 of this chapter.

10 3. The ~~chief executive officer~~ director may for good cause
 11 suspend, revoke, or refuse to renew any contract entered into
 12 in accordance with the provisions of this chapter or the
 13 administrative rules, policies, and procedures of the board.

14 4. The ~~chief executive officer or the chief executive~~
 15 ~~officer's designee~~ administrator or the administrator's
 16 designee may conduct hearings and administer oaths to persons
 17 for the purpose of assuring the security or integrity of
 18 lottery operations or to determine the qualifications of or
 19 compliance by vendors and retailers.

20 Sec. 2309. Section 99G.8, subsections 1, 4, 6, and 13, Code
 21 2023, are amended to read as follows:

22 1. ~~The authority shall be administered by a~~ A board of
 23 directors comprised of five members appointed by the governor
 24 subject to confirmation by the senate is created within the
 25 department. Board members appointed when the senate is not
 26 in session shall serve only until the end of the next regular
 27 session of the general assembly, unless confirmed by the
 28 senate.

29 4. No officer or employee of the ~~authority~~ department shall
 30 be a member of the board.

31 6. A majority of members in office shall constitute a quorum
 32 for the transaction of any business and for the exercise of any
 33 power or function of the ~~authority~~ board.

34 13. Board members shall not have any direct or indirect
 35 interest in an undertaking that puts their personal interest

1 in conflict with that of the ~~authority~~ department under this
2 chapter including but not limited to an interest in a ~~major~~
3 procurement contract or a participating retailer.

4 Sec. 2310. Section 99G.8, subsection 15, Code 2023, is
5 amended by striking the subsection.

6 Sec. 2311. Section 99G.9, unnumbered paragraph 1, Code
7 2023, is amended to read as follows:

8 The board shall provide the ~~chief executive officer~~ director
9 and the administrator with private-sector perspectives of a
10 large marketing enterprise. The board shall do all of the
11 following:

12 Sec. 2312. Section 99G.9, subsections 1 and 5, Code 2023,
13 are amended by striking the subsections.

14 Sec. 2313. Section 99G.9, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. Approve, disapprove, amend, or modify the terms of ~~major~~
17 lottery procurements recommended by the ~~chief executive officer~~
18 administrator.

19 Sec. 2314. Section 99G.9, subsection 3, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 Adopt policies and procedures and promulgate administrative
22 rules pursuant to chapter 17A relating to the management and
23 operation of the ~~authority~~ Iowa lottery. The administrative
24 rules promulgated pursuant to this subsection may include but
25 shall not be limited to the following:

26 Sec. 2315. Section 99G.9, subsection 3, paragraph c, Code
27 2023, is amended to read as follows:

28 c. The number and amount of prizes, including but not
29 limited to prizes of free tickets or shares in lottery games
30 conducted by the ~~authority~~ division and merchandise prizes.
31 The ~~authority~~ division shall maintain and make available for
32 public inspection at its offices during regular business hours
33 a detailed listing of the estimated number of prizes of each
34 particular denomination that are expected to be awarded in
35 any game that is on sale or the estimated odds of winning the

1 prizes and, after the end of the claim period, shall maintain
2 and make available a listing of the total number of tickets
3 or shares sold in a game and the number of prizes of each
4 denomination that were awarded.

5 Sec. 2316. Section 99G.9, subsection 3, paragraph j, Code
6 2023, is amended by striking the paragraph.

7 Sec. 2317. Section 99G.9, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. Adopt game specific rules. The promulgation of game
10 specific rules shall not be subject to the requirements of
11 chapter 17A. However, game specific rules shall be made
12 available to the public prior to the time the games go on
13 sale and shall be kept on file at the office of the ~~authority~~
14 division.

15 Sec. 2318. Section 99G.10, Code 2023, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **99G.10 Lottery personnel.**

18 1. An employee of the division shall not have a financial
19 interest in any vendor doing business or proposing to do
20 business with the department under this chapter. However, an
21 employee may own shares of a mutual fund which may hold shares
22 of a vendor corporation provided the employee does not have the
23 ability to influence the investment functions of the mutual
24 fund.

25 2. An employee of the division with decision-making
26 authority under this chapter shall not participate in any
27 decision involving a retailer with whom the employee has a
28 financial interest.

29 3. A background investigation shall be conducted by
30 the department of public safety, division of criminal
31 investigation, on each applicant who has reached the final
32 selection process prior to employment by the department under
33 this chapter. For positions not designated as sensitive by the
34 department, the investigation may consist of a state criminal
35 history background check, work history, and financial review.

1 The department shall identify those sensitive positions of
2 the division which require full background investigations,
3 which positions shall include, at a minimum, any officer of
4 the division, and any employee with operational management
5 responsibilities, security duties, or system maintenance or
6 programming responsibilities related to the division's data
7 processing or network hardware, software, communication, or
8 related systems under this chapter. In addition to a work
9 history and financial review, a full background investigation
10 may include a national criminal history check through the
11 federal bureau of investigation. The screening of employees
12 through the federal bureau of investigation shall be conducted
13 by submission of fingerprints through the state criminal
14 history repository to the federal bureau of investigation. The
15 results of background investigations conducted pursuant to this
16 section shall not be considered public records under chapter
17 22.

18 4. A person who has been convicted of a felony or bookmaking
19 or other form of illegal gambling or of a crime involving moral
20 turpitude shall not be employed by the department under this
21 chapter.

22 5. The department shall bond employees with access to Iowa
23 lottery funds or lottery revenue under this chapter in such
24 an amount as provided by the department and may bond other
25 employees under this chapter as deemed necessary.

26 Sec. 2319. Section 99G.11, subsections 1, 2, and 3, Code
27 2023, are amended to read as follows:

28 1. A member of the board, any officer, or other employee
29 of the ~~authority~~ division shall not directly or indirectly,
30 individually, as a member of a partnership or other
31 association, or as a shareholder, director, or officer of a
32 corporation have an interest in a business that contracts for
33 the operation or marketing of the lottery as authorized by this
34 chapter, unless the business is controlled or operated by a
35 consortium of lotteries in which the ~~authority~~ division has an

1 interest.

2 2. Notwithstanding the provisions of chapter 68B, a
3 person contracting or seeking to contract with the state to
4 supply gaming equipment or materials for use in the operation
5 of the lottery, an applicant for a license to sell tickets
6 or shares in the lottery, or a retailer shall not offer a
7 member of the board, any officer, or other employee of the
8 authority division, or a member of their immediate family a
9 gift, gratuity, or other thing having a value of more than the
10 limits established in chapter 68B, other than food and beverage
11 consumed at a meal. For purposes of this subsection, "*member*
12 *of their immediate family*" means a spouse, child, stepchild,
13 brother, brother-in-law, stepbrother, sister, sister-in-law,
14 stepsister, parent, parent-in-law, or step-parent of the board
15 member, the officer, or other employee who resides in the same
16 household in the same principal residence of the board member,
17 officer, or other employee.

18 3. If a board member, officer, or other employee of the
19 authority division violates a provision of this section, the
20 board member, officer, or employee shall be immediately removed
21 from the office or position.

22 Sec. 2320. Section 99G.12, subsection 2, paragraphs a and b,
23 Code 2023, are amended to read as follows:

24 a. The self-service kiosk shall be owned or leased by the
25 authority department.

26 b. The self-service kiosk shall only be located in a retail
27 location licensed by the authority division pursuant to this
28 chapter. The authority division shall determine, in its sole
29 discretion, the placement of the self-service kiosk.

30 Sec. 2321. Section 99G.21, subsections 1, 3, 4, and 5, Code
31 2023, are amended to read as follows:

32 1. Funds of the state shall not be used or obligated to pay
33 the expenses or prizes of the authority department under this
34 chapter.

35 3. Notwithstanding any other provision of law, any

1 purchase of real property and any borrowing of more than one
 2 million dollars by the ~~authority~~ department for purposes of
 3 this chapter shall require written notice from the ~~authority~~
 4 department to the general assembly's standing committees on
 5 government oversight and the prior approval of the executive
 6 council.

7 4. The powers enumerated in this section are cumulative of
 8 and in addition to those powers enumerated elsewhere in this
 9 chapter and no such powers limit or restrict any other powers
 10 of the ~~authority~~ department under this chapter.

11 5. Departments, boards, commissions, or other agencies of
 12 this state shall provide reasonable assistance and services to
 13 the ~~authority~~ department for purposes of this chapter upon the
 14 request of the ~~chief executive officer~~ director.

15 Sec. 2322. Section 99G.21, subsection 2, unnumbered
 16 paragraph 1, Code 2023, is amended to read as follows:

17 ~~The authority shall have any and all powers necessary~~
 18 ~~or convenient to carry out and effectuate~~ department, in
 19 carrying out the purposes and provisions of this chapter which
 20 ~~are not in conflict with the Constitution of the State of~~
 21 ~~Iowa, including, but without limiting the generality of the~~
 22 ~~foregoing,~~ shall have the following powers:

23 Sec. 2323. Section 99G.21, subsection 2, paragraphs h, i, l,
 24 p, and q, Code 2023, are amended by striking the paragraphs.

25 Sec. 2324. Section 99G.22, subsections 1, 3, 4, and 6, Code
 26 2023, are amended to read as follows:

27 1. The ~~authority~~ department shall investigate the financial
 28 responsibility, security, and integrity of any lottery system
 29 vendor who is a finalist in submitting a bid, proposal, or
 30 offer as part of a ~~major~~ procurement contract. Before a ~~major~~
 31 procurement contract is awarded, the division of criminal
 32 investigation of the department of public safety shall conduct
 33 a background investigation of the vendor to whom the contract
 34 is to be awarded. The ~~chief executive officer and board~~
 35 administrator shall consult with the division of criminal

1 investigation and shall provide for the scope of the background
2 investigation and due diligence to be conducted in connection
3 with ~~major~~ procurement contracts. At the time of submitting
4 a bid, proposal, or offer to the ~~authority~~ department on a
5 ~~major~~ procurement contract, ~~the authority shall require that~~
6 each vendor shall be required to submit to the division of
7 criminal investigation appropriate investigation authorization
8 to facilitate this investigation, together with an advance
9 of funds to meet the anticipated investigation costs. If
10 the division of criminal investigation determines that
11 additional funds are required to complete an investigation,
12 the vendor will be so advised. The background investigation
13 by the division of criminal investigation may include a
14 national criminal history check through the federal bureau of
15 investigation. The screening of vendors or their employees
16 through the federal bureau of investigation shall be conducted
17 by submission of fingerprints through the state criminal
18 history repository to the federal bureau of investigation.

19 3. A ~~major~~ procurement contract shall not be entered into
20 with any lottery system vendor who has not complied with
21 the disclosure requirements described in this section, and
22 any contract with such a vendor is voidable ~~at the option~~
23 ~~of the authority~~. Any contract with a vendor that does not
24 comply with the requirements for periodically updating such
25 disclosures during the tenure of the contract as may be
26 specified in such contract may be terminated ~~by the authority~~.
27 The provisions of this section shall be construed broadly
28 and liberally to achieve the ends of full disclosure of
29 all information necessary to allow for a full and complete
30 evaluation by the ~~authority~~ department of the competence,
31 integrity, background, and character of vendors for ~~major~~
32 procurements.

33 4. A ~~major~~ procurement contract shall not be entered into
34 with any vendor who has been found guilty of a felony related
35 to the security or integrity of the lottery in this or any

1 other jurisdiction.

2 6. If, based on the results of a background investigation,
3 the ~~board~~ department determines that the best interests of
4 the ~~authority~~ department, including but not limited to the
5 ~~authority's~~ department's reputation for integrity, would be
6 served thereby, the ~~board~~ department may disqualify a potential
7 vendor from contracting with the ~~authority~~ department for a
8 ~~major~~ procurement contract or from acting as a subcontractor in
9 connection with a contract for a ~~major~~ procurement contract.

10 Sec. 2325. Section 99G.22, subsection 5, Code 2023, is
11 amended by striking the subsection.

12 Sec. 2326. Section 99G.23, Code 2023, is amended to read as
13 follows:

14 **99G.23 Vendor bonding, and tax filing, ~~and competitive~~**
15 **~~bidding~~.**

16 1. ~~The authority may purchase, lease, or lease-purchase~~
17 ~~such goods or services as are necessary for effectuating the~~
18 ~~purposes of this chapter.~~ The ~~authority~~ division may make
19 procurements that integrate functions such as lottery game
20 design, lottery ticket distribution to retailers, supply of
21 goods and services, and advertising. In all procurement
22 decisions under this chapter, the ~~authority~~ division shall
23 take into account the particularly sensitive nature of the
24 lottery and shall act to promote and ensure security, honesty,
25 fairness, and integrity in the operation and administration
26 of the lottery and the objectives of raising net proceeds for
27 state programs.

28 2. Each vendor shall, at the execution of the contract
29 with the ~~authority~~ division, post a performance bond or letter
30 of credit from a bank or credit provider acceptable to the
31 ~~authority~~ division in an amount as deemed necessary by the
32 ~~authority~~ division for that particular bid or contract.

33 3. Each vendor shall be qualified to do business in this
34 state and shall file appropriate tax returns as provided by the
35 laws of this state.

1 ~~4. All major procurement contracts must be competitively~~
2 ~~bid pursuant to policies and procedures approved by the board~~
3 ~~unless there is only one qualified vendor and that vendor has~~
4 ~~an exclusive right to offer the service or product.~~

5 Sec. 2327. Section 99G.24, Code 2023, is amended to read as
6 follows:

7 **99G.24 Retailer compensation — licensing.**

8 1. The general assembly recognizes that to conduct a
9 successful lottery, the authority department must develop and
10 maintain a statewide network of lottery retailers that will
11 serve the public convenience and promote the sale of tickets
12 or shares and the playing of lottery games while ensuring the
13 integrity of the lottery operations, games, and activities.

14 2. The board shall determine the compensation to be paid
15 to licensed retailers. Compensation may include provision
16 for variable payments based on sales volume or incentive
17 considerations.

18 3. The authority department shall issue a license
19 certificate to each person with whom it contracts as a retailer
20 for purposes of display as provided in this section. Every
21 lottery retailer shall post its license certificate, or a
22 facsimile thereof, and keep it conspicuously displayed in a
23 location on the premises accessible to the public. No license
24 shall be assignable or transferable. Once issued, a license
25 shall remain in effect until canceled, suspended, or terminated
26 by the authority department.

27 4. A licensee under this section shall cooperate with the
28 authority department by using point-of-purchase materials,
29 posters, and other marketing material when requested to do so
30 by the authority department. Lack of cooperation is sufficient
31 cause for revocation of a retailer's license.

32 5. The board shall develop a list of objective criteria upon
33 which the qualification of lottery retailers shall be based.
34 Separate criteria shall be developed to govern the selection
35 of retailers of instant tickets and on-line retailers. In

1 developing these criteria, the board shall consider such
2 factors as the applicant's financial responsibility, security
3 of the applicant's place of business or activity, accessibility
4 to the public, integrity, and reputation. The criteria shall
5 include but not be limited to the volume of expected sales
6 and the sufficiency of existing licensees to serve the public
7 convenience.

8 6. The applicant shall be current in filing all applicable
9 tax returns to the state of Iowa and in payment of all taxes,
10 interest, and penalties owed to the state of Iowa, excluding
11 items under formal appeal pursuant to applicable statutes. The
12 ~~department of revenue~~ is authorized and directed to provide
13 this information to ~~the authority~~ those employees of the
14 division designated to receive this information.

15 7. A person, partnership, unincorporated association,
16 authority, or other business entity shall not be selected as
17 a lottery retailer if the person or entity meets any of the
18 following conditions:

19 a. Has been convicted of a criminal offense related to
20 the security or integrity of the lottery in this or any other
21 jurisdiction.

22 b. Has been convicted of any illegal gambling activity,
23 false statements, perjury, fraud, or a felony in this or any
24 other jurisdiction.

25 c. Has been found to have violated the provisions of
26 this chapter or any regulation, policy, or procedure of
27 ~~the authority or of the lottery~~ division unless either ten
28 years have passed since the violation or the board finds the
29 violation both minor and unintentional in nature.

30 d. Is a vendor or any employee or agent of any vendor doing
31 business with the ~~authority~~ department under this chapter or
32 the division.

33 e. Resides in the same household as an officer of the
34 ~~authority~~ division.

35 f. Is less than eighteen years of age.

1 *g.* Does not demonstrate financial responsibility sufficient
2 to adequately meet the requirements of the proposed enterprise.

3 *h.* Has not demonstrated that the applicant is the true
4 owner of the business proposed to be licensed and that all
5 persons holding at least a ten percent ownership interest in
6 the applicant's business have been disclosed.

7 *i.* Has knowingly made a false statement of material fact to
8 the authority department.

9 8. Persons applying to become lottery retailers may be
10 charged a uniform application fee for each lottery outlet.

11 9. Any lottery retailer contract executed pursuant to
12 this section may, for good cause, be suspended, revoked, or
13 terminated by the ~~chief executive officer~~ director or the
14 ~~chief executive officer's~~ director's designee if the retailer
15 is found to have violated any provision of this chapter
16 or objective criteria established by the board. Cause for
17 suspension, revocation, or termination may include, but is not
18 limited to, sale of tickets or shares to a person under the
19 age of twenty-one and failure to pay for lottery products in a
20 timely manner.

21 Sec. 2328. Section 99G.25, Code 2023, is amended to read as
22 follows:

23 **99G.25 License not assignable.**

24 Any lottery retailer license certificate or contract shall
25 not be transferable or assignable. The authority department
26 may issue a temporary license when deemed in the best interests
27 of the state. A lottery retailer shall not contract with any
28 person for lottery goods or services, except with the approval
29 of the board.

30 Sec. 2329. Section 99G.26, Code 2023, is amended to read as
31 follows:

32 **99G.26 Retailer bonding.**

33 The authority department may require any retailer to post an
34 appropriate bond, as determined by the authority department,
35 using a cash bond or an insurance company acceptable to the

1 authority department.

2 Sec. 2330. Section 99G.27, Code 2023, is amended to read as
3 follows:

4 **99G.27 Lottery retail licenses — cancellation, suspension,
5 revocation, or termination.**

6 1. A lottery retail license issued by the authority
7 department pursuant to this chapter may be canceled, suspended,
8 revoked, or terminated by the authority department for reasons
9 including, but not limited to, any of the following:

10 a. A violation of this chapter, a regulation, or a policy or
11 procedure of the authority division.

12 b. Failure to accurately or timely account or pay for
13 lottery products, lottery games, revenues, or prizes as
14 required by the authority division.

15 c. Commission of any fraud, deceit, or misrepresentation.

16 d. Insufficient sales.

17 e. Conduct prejudicial to public confidence in the lottery.

18 f. The retailer filing for or being placed in bankruptcy or
19 receivership.

20 g. Any material change as determined in the sole discretion
21 of the authority department in any matter considered by
22 the authority department in executing the contract with the
23 retailer.

24 h. Failure to meet any of the objective criteria established
25 by the authority division pursuant to this chapter.

26 i. Other conduct likely to result in injury to the property,
27 revenue, or reputation of the authority department under this
28 chapter.

29 2. A lottery retailer license may be temporarily suspended
30 by the authority department without prior notice if the
31 ~~chief executive officer~~ director or designee determines that
32 further sales by the licensed retailer are likely to result in
33 immediate injury to the property, revenue, or reputation of the
34 authority department.

35 3. The board shall adopt administrative rules governing

1 appeals of lottery retailer licensing disputes.

2 Sec. 2331. Section 99G.28, Code 2023, is amended to read as
3 follows:

4 **99G.28 Proceeds held in trust.**

5 All proceeds from the sale of the lottery tickets or shares
6 shall constitute a trust fund until paid to the ~~authority~~
7 division directly, through electronic funds transfer to the
8 ~~authority~~ division, or through the ~~authority's~~ division's
9 authorized collection representative. A lottery retailer
10 and officers of a lottery retailer's business shall have a
11 fiduciary duty to preserve and account for lottery proceeds and
12 lottery retailers shall be personally liable for all proceeds.
13 Proceeds shall include unsold products received but not paid
14 for by a lottery retailer and cash proceeds of the sale of any
15 lottery products net of allowable sales commissions and credit
16 for lottery prizes paid to winners by lottery retailers. Sales
17 proceeds of pull-tab tickets shall include the sales price
18 of the lottery product net of allowable sales commission and
19 prizes contained in the product. Sales proceeds and unused
20 instant tickets shall be delivered to the ~~authority~~ division or
21 its authorized collection representative upon demand.

22 Sec. 2332. Section 99G.29, Code 2023, is amended to read as
23 follows:

24 **99G.29 Retailer rental calculations — lottery ticket sales**
25 **treatment.**

26 If a lottery retailer's rental payments for the business
27 premises are contractually computed, in whole or in part, on
28 the basis of a percentage of retail sales and such computation
29 of retail sales is not explicitly defined to include sales
30 of tickets or shares in a state-operated or state-managed
31 lottery, only the compensation received by the lottery retailer
32 from the ~~authority~~ department may be considered the amount of
33 the lottery retail sale for purposes of computing the rental
34 payment.

35 Sec. 2333. Section 99G.30, Code 2023, is amended to read as

1 follows:

2 **99G.30 Ticket sales requirements — penalties.**

3 1. Lottery tickets or shares may be distributed by the
4 authority division for promotional purposes.

5 2. A ticket or share shall not be sold at a price other
6 than that fixed by the authority division and a sale shall not
7 be made other than by a retailer or an employee of the retailer
8 who is authorized by the retailer to sell tickets or shares. A
9 person who violates a provision of this subsection is guilty
10 of a simple misdemeanor.

11 3. A ticket or share shall not be sold to a person who has
12 not reached the age of twenty-one. Any person who knowingly
13 sells a lottery ticket or share to a person under the age
14 of twenty-one shall be guilty of a simple misdemeanor. It
15 shall be an affirmative defense to a charge of a violation
16 under this section that the retailer reasonably and in good
17 faith relied upon presentation of proof of age in making the
18 sale. A prize won by a person who has not reached the age
19 of twenty-one but who purchases a winning ticket or share in
20 violation of this subsection shall be forfeited. This section
21 does not prohibit the lawful purchase of a ticket or share for
22 the purpose of making a gift to a person who has not reached the
23 age of twenty-one. The board shall adopt administrative rules
24 governing the payment of prizes to persons who have not reached
25 the age of twenty-one.

26 4. Except for the authority department, a retailer shall
27 only sell lottery products on the licensed premises and not
28 through the mail or by technological means except as the
29 authority department may provide or authorize.

30 5. The retailer may accept payment by cash, check, money
31 order, debit card, or electronic funds transfer. The retailer
32 shall not extend or arrange credit for the purchase of a ticket
33 or share. As used in this subsection, "*cash*" means United
34 States currency.

35 6. Nothing in this chapter shall be construed to prohibit

1 the ~~authority~~ department from designating certain of its
2 agents and employees to sell or give lottery tickets or shares
3 directly to the public.

4 7. No elected official's name shall be printed on tickets.

5 Sec. 2334. Section 99G.31, subsections 1 and 2, Code 2023,
6 are amended to read as follows:

7 1. The ~~chief executive officer~~ administrator shall award
8 the designated prize to the holder of the ticket or share upon
9 presentation of the winning ticket or confirmation of a winning
10 share. The prize shall be given to only one person as provided
11 in this section; however, a prize shall be divided between
12 holders of winning tickets if there is more than one winning
13 ticket.

14 2. The ~~authority~~ division shall only pay prizes for lottery
15 tickets or shares that the ~~authority~~ department determines were
16 legally purchased, legally possessed, and legally presented.

17 Sec. 2335. Section 99G.31, subsection 3, unnumbered
18 paragraph 1, Code 2023, is amended to read as follows:

19 The ~~authority~~ board shall adopt administrative rules,
20 policies, and procedures to establish a system of verifying
21 the validity of tickets or shares claimed to win prizes and
22 to effect payment of such prizes, subject to the following
23 requirements:

24 Sec. 2336. Section 99G.31, subsection 3, paragraphs b, d, f,
25 g, h, and i, Code 2023, are amended to read as follows:

26 b. A prize shall not be paid arising from claimed tickets
27 that are stolen, counterfeit, altered, fraudulent, unissued,
28 produced or issued in error, unreadable, not received, or
29 not recorded by the ~~authority~~ division within applicable
30 deadlines; lacking in captions that conform and agree with the
31 play symbols as appropriate to the particular lottery game
32 involved; or not in compliance with such additional specific
33 administrative rules, policies, and public or confidential
34 validation and security tests of the ~~authority~~ division
35 appropriate to the particular lottery game involved.

1 *d.* Unclaimed prize money for the prize on a winning ticket
 2 or share shall be retained for a period deemed appropriate
 3 by the ~~chief executive officer~~ administrator, subject to
 4 approval by the board. If a valid claim is not made for the
 5 money within the applicable period, the unclaimed prize money
 6 shall be added to the pool from which future prizes are to be
 7 awarded or used for special prize promotions. Notwithstanding
 8 this subsection, the disposition of unclaimed prize money from
 9 multijurisdictional games shall be made in accordance with the
 10 rules of the multijurisdictional game.

11 *f.* The authority division is discharged of all liability
 12 upon payment of a prize pursuant to this section.

13 *g.* No ticket or share issued by the authority division
 14 shall be purchased by and no prize shall be paid to any member
 15 of the board of directors; any officer or employee of the
 16 authority department under this chapter; or to any spouse,
 17 child, brother, sister, or parent residing as a member of the
 18 same household in the principal place of residence of any such
 19 person.

20 *h.* No ticket or share issued by the authority division shall
 21 be purchased by and no prize shall be paid to any officer,
 22 employee, agent, or subcontractor of any vendor or to any
 23 spouse, child, brother, sister, or parent residing as a member
 24 of the same household in the principal place of residence
 25 of any such person if such officer, employee, agent, or
 26 subcontractor has access to confidential information which may
 27 compromise the integrity of the lottery.

28 *i.* The proceeds of any lottery prize shall be subject to
 29 state and federal income tax laws. An amount deducted from the
 30 prize for payment of a state tax, pursuant to section 422.16,
 31 subsection 1, shall be transferred ~~by the authority~~ to the
 32 department ~~of revenue~~ on behalf of the prize winner.

33 Sec. 2337. Section 99G.32, Code 2023, is amended to read as
 34 follows:

35 **99G.32 Authority Department legal representation — lottery.**

1 The authority department shall retain the services of legal
2 counsel to advise the authority department and the board
3 under this chapter and to provide representation in legal
4 proceedings. The authority department may retain the attorney
5 general or a full-time assistant attorney general in that
6 capacity and provide reimbursement for the cost of advising and
7 representing the board and the authority department.

8 Sec. 2338. Section 99G.33, Code 2023, is amended to read as
9 follows:

10 **99G.33 Law enforcement investigations.**

11 The department of public safety, division of criminal
12 investigation, shall be the primary state agency responsible
13 for investigating criminal violations under this chapter.
14 The ~~chief executive officer~~ director shall contract with
15 the department of public safety for investigative services,
16 including the employment of special agents and support
17 personnel, and procurement of necessary equipment to carry out
18 the responsibilities of the division of criminal investigation
19 under the terms of the contract and this chapter.

20 Sec. 2339. Section 99G.34, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:

22 The records of the authority department under this chapter
23 shall be governed by the provisions of chapter 22, provided
24 that, in addition to records that may be kept confidential
25 pursuant to section 22.7, the following records shall be kept
26 confidential, unless otherwise ordered by a court, by the
27 lawful custodian of the records, or by another person duly
28 authorized to release such information:

29 Sec. 2340. Section 99G.34, subsections 1, 4, and 7, Code
30 2023, are amended to read as follows:

31 1. Marketing plans, research data, and proprietary
32 intellectual property owned or held by the authority department
33 for purposes of this chapter under contractual agreements.

34 4. Security records pertaining to investigations and
35 intelligence-sharing information between lottery security

1 officers and those of other lotteries and law enforcement
2 agencies, the security portions or segments of lottery
3 requests for proposals, proposals by vendors to conduct
4 lottery operations, and records of the security division of
5 the authority department under this chapter pertaining to game
6 security data, ticket validation tests, and processes.

7 7. Security reports and other information concerning bids
8 or other contractual data, the disclosure of which would impair
9 the efforts of the authority department to contract for goods
10 or services on favorable terms under this chapter.

11 Sec. 2341. Section 99G.35, Code 2023, is amended to read as
12 follows:

13 **99G.35 Security.**

14 1. The authority's department's chief security officer
15 and investigators under this chapter shall be qualified by
16 training and experience in law enforcement to perform their
17 respective duties in support of the activities of the security
18 office. The chief security officer and investigators shall not
19 have sworn peace officer status. The lottery security office
20 shall perform all of the following activities in support of the
21 authority mission of the department under this chapter:

22 a. Supervise ticket or share validation and lottery
23 drawings, provided that the authority department may enter
24 into cooperative agreements with multijurisdictional lottery
25 administrators for shared security services at drawings and
26 game show events involving more than one participating lottery.

27 b. Inspect at times determined solely by the authority
28 department the facilities of any vendor or lottery retailer in
29 order to determine the integrity of the vendor's product or the
30 operations of the retailer in order to determine whether the
31 vendor or the retailer is in compliance with its contract.

32 c. Report any suspected violations of this chapter to
33 the appropriate county attorney or the attorney general and
34 to any law enforcement agencies having jurisdiction over the
35 violation.

1 *d.* Upon request, provide assistance to any county attorney,
2 the attorney general, the department of public safety, or any
3 other law enforcement agency.

4 *e.* Upon request, provide assistance to retailers in meeting
5 their licensing contract requirements and in detecting retailer
6 employee theft.

7 *f.* Monitor ~~authority~~ division operations for compliance with
8 internal security requirements.

9 *g.* Provide physical security at the ~~authority's~~ central
10 operations facilities used by the department for purposes of
11 this chapter.

12 *h.* Conduct on-press product production surveillance,
13 testing, and quality approval for printed scratch and pull-tab
14 tickets.

15 *i.* Coordinate employee and retailer background
16 investigations conducted by the department of public safety,
17 division of criminal investigation.

18 2. The ~~authority~~ department may enter into
19 intelligence-sharing, reciprocal use, or restricted use
20 agreements for purposes of this chapter with the federal
21 government, law enforcement agencies, lottery regulation
22 agencies, and gaming enforcement agencies of other
23 jurisdictions which provide for and regulate the use of
24 information provided and received pursuant to the agreement.

25 3. Records, documents, and information in the possession of
26 the ~~authority~~ department received under this chapter pursuant
27 to an intelligence-sharing, reciprocal use, or restricted
28 use agreement entered into by the ~~authority~~ department with
29 a federal department or agency, any law enforcement agency,
30 or the lottery regulation or gaming enforcement agency of any
31 jurisdiction shall be considered investigative records of a law
32 enforcement agency and are not subject to chapter 22 and shall
33 not be released under any condition without the permission of
34 the person or agency providing the record or information.

35 Sec. 2342. Section 99G.36, subsection 5, Code 2023, is

1 amended to read as follows:

2 5. No person shall knowingly or intentionally make
3 a material false statement in any lottery prize claim,
4 make a material false statement in any application for a
5 license or proposal to conduct lottery activities, or make a
6 material false entry in any book or record which is compiled
7 or maintained or submitted to the ~~authority or the board~~
8 department pursuant to the provisions of this chapter. Any
9 person who violates the provisions of this subsection shall be
10 guilty of a class "D" felony.

11 Sec. 2343. Section 99G.37, Code 2023, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **99G.37 Competitive bidding.**

14 All procurement contracts under this chapter must be
15 competitively bid in accordance with chapter 8A, subchapter
16 III, part 2. Procurement contracts shall take into
17 consideration the greatest integrity for the Iowa lottery.
18 In any bidding process, the services of the department of
19 administrative services shall be utilized.

20 Sec. 2344. Section 99G.38, Code 2023, is amended to read as
21 follows:

22 **99G.38 ~~Authority~~ Lottery finance — self-sustaining.**

23 1. The ~~authority~~ department may borrow, or accept and
24 expend, in accordance with the provisions of this chapter, such
25 moneys as may be received from any source, including income
26 from the ~~authority's~~ department's operations, for effectuating
27 its business purposes under this chapter, including the payment
28 of the initial expenses of initiation, administration, and
29 operation of the ~~authority~~ department under this chapter and
30 the lottery.

31 2. The ~~authority~~ department as it relates to the lottery
32 shall be self-sustaining and self-funded. Moneys in the
33 general fund of the state shall not be used or obligated to pay
34 the expenses of the ~~authority~~ department under this chapter
35 or prizes of the lottery, and no claim for the payment of an

1 expense of the lottery or prizes of the lottery may be made
2 against any moneys other than moneys credited to the ~~authority~~
3 department operating account pursuant to this chapter.

4 3. The state of Iowa offset program, as provided in section
5 8A.504, shall be available to the ~~authority~~ department to
6 facilitate receipt of funds owed to the ~~authority~~ department
7 under this chapter.

8 Sec. 2345. Section 99G.39, subsections 1 and 3, Code 2023,
9 are amended to read as follows:

10 1. Upon receipt of any revenue, the ~~chief executive officer~~
11 director shall deposit the moneys in the lottery fund created
12 pursuant to section 99G.40. At least fifty percent of the
13 projected annual revenue accruing from the sale of tickets
14 or shares shall be allocated for payment of prizes to the
15 holders of winning tickets. After the payment of prizes, the
16 expenses of conducting the lottery shall be deducted from the
17 ~~authority's~~ department's revenue under this chapter prior to
18 disbursement. Expenses for advertising production and media
19 purchases shall not exceed four percent of the ~~authority's~~
20 department's gross revenue under this chapter for the year.

21 3. Two million five hundred thousand dollars in lottery
22 revenues shall be transferred each fiscal year to the veterans
23 trust fund established pursuant to section 35A.13 prior to
24 deposit of the lottery revenues in the general fund pursuant
25 to section 99G.40. However, if the balance of the veterans
26 trust fund is fifty million dollars or more, the moneys shall
27 be appropriated to the department ~~of revenue~~ for distribution
28 to county directors of veteran affairs, with fifty percent
29 of the moneys to be distributed equally to each county and
30 fifty percent of the moneys to be distributed to each county
31 based upon the population of veterans in the county, so long
32 as the moneys distributed to a county do not supplant moneys
33 appropriated by that county for the county director of veteran
34 affairs.

35 Sec. 2346. Section 99G.39, subsection 6, paragraph b, Code

1 2023, is amended to read as follows:

2 **b.** The treasurer of state shall, each quarter, prepare
3 an estimate of the gaming revenues and lottery revenues that
4 will become available during the remainder of the appropriate
5 fiscal year for the purposes described in paragraph "a". The
6 department of management and the department ~~of revenue~~ shall
7 take appropriate actions to provide that the amount of gaming
8 revenues and lottery revenues that will be available during the
9 remainder of the appropriate fiscal year is sufficient to cover
10 any anticipated deficiencies.

11 Sec. 2347. Section 99G.40, Code 2023, is amended to read as
12 follows:

13 **99G.40 Audits and reports — lottery fund.**

14 1. To ensure the financial integrity of the lottery, the
15 authority department shall do all of the following:

16 **a.** Submit quarterly and annual reports to the governor,
17 state auditor, and the general assembly disclosing the total
18 lottery revenues, prize disbursements, and other expenses
19 of the authority department under this chapter during the
20 reporting period. The fourth quarter report shall be included
21 in the annual report made pursuant to this section. The annual
22 report shall include a complete statement of lottery revenues,
23 prize disbursements, and other expenses, and recommendations
24 for changes in the law that the ~~chief executive officer~~
25 director deems necessary or desirable for purposes of this
26 chapter. The annual report shall be submitted within one
27 hundred twenty days after the close of the fiscal year. The
28 ~~chief executive officer~~ director shall report immediately to
29 the governor, the treasurer of state, and the general assembly
30 any matters that require immediate changes in the law in order
31 to prevent abuses or evasions of this chapter or rules adopted
32 or to rectify undesirable conditions in connection with the
33 administration or operation of the lottery.

34 **b.** Maintain weekly or more frequent records of lottery
35 transactions, including the distribution of tickets or shares

1 to retailers, revenues received, claims for prizes, prizes
2 paid, prizes forfeited, and other financial transactions of the
3 authority department under this chapter.

4 c. The authority department shall deposit in the lottery
5 fund created in subsection 2 any moneys received by retailers
6 from the sale of tickets or shares less the amount of any
7 compensation due the retailers. The ~~chief executive officer~~
8 director may require licensees to file with the authority
9 department reports of receipts and transactions in the sale
10 of tickets or shares. The reports shall be in the form and
11 contain the information the ~~chief executive officer~~ director
12 requires.

13 2. A lottery fund is created in the office of the treasurer
14 of state and shall exist as the recipient fund for authority
15 department receipts under this chapter. The fund consists
16 of all revenues received from the sale of lottery tickets or
17 shares and all other moneys lawfully credited or transferred
18 to the fund. The ~~chief executive officer~~ director shall
19 certify quarterly that portion of the fund that has been
20 transferred to the general fund of the state under this chapter
21 and shall cause that portion to be transferred to the general
22 fund of the state. However, upon the request of the ~~chief~~
23 ~~executive officer~~ director and subject to the approval by
24 the treasurer of state, an amount sufficient to cover the
25 foreseeable administrative expenses of the lottery for a period
26 of twenty-one days may be retained from the lottery fund.
27 Prior to the quarterly transfer to the general fund of the
28 state, the ~~chief executive officer~~ director may direct that
29 lottery revenue shall be deposited in the lottery fund and in
30 interest-bearing accounts designated by the treasurer of state.
31 Interest or earnings paid on the deposits or investments is
32 considered lottery revenue and shall be transferred to the
33 general fund of the state in the same manner as other lottery
34 revenue.

35 3. The ~~chief executive officer~~ director shall certify

1 before the last day of the month following each quarter
 2 that portion of the lottery fund resulting from the previous
 3 quarter's sales to be transferred to the general fund of the
 4 state.

5 ~~4. For informational purposes only, the chief executive~~
 6 ~~officer shall submit to the department of management by October~~
 7 ~~1 of each year a proposed operating budget for the authority~~
 8 ~~for the succeeding fiscal year. This budget proposal shall~~
 9 ~~also be accompanied by an estimate of the net proceeds to~~
 10 ~~be deposited into the general fund during the succeeding~~
 11 ~~fiscal year. This budget shall be on forms prescribed by the~~
 12 ~~department of management. A copy of the information required~~
 13 ~~to be submitted to the department of management pursuant to~~
 14 ~~this subsection shall be submitted to the general assembly's~~
 15 ~~standing committees on government oversight and the legislative~~
 16 ~~services agency by October 1 of each year.~~

17 ~~5.~~ 4. The authority shall adopt the same fiscal year
 18 ~~as that used by state government and~~ activities of the
 19 division shall be audited annually as part of the audit of
 20 the department by the auditor of state or a certified public
 21 accounting firm appointed by the auditor. The auditor of state
 22 or a designee conducting an audit of the activities of the
 23 division under this chapter shall have access and authority to
 24 examine any and all records of licensees necessary to determine
 25 compliance with this chapter and the rules adopted pursuant to
 26 this chapter. The cost of audits and examinations conducted
 27 by the auditor of state or a designee shall be paid ~~for by the~~
 28 authority as provided in chapter 11.

29 Sec. 2348. Section 99G.41, Code 2023, is amended to read as
 30 follows:

31 **99G.41 Prize offsets — garnishments.**

32 1. Any claimant agency may submit to the ~~authority~~
 33 department a list of the names of all persons indebted to such
 34 claimant agency or to persons on whose behalf the claimant
 35 agency is acting. The full amount of the debt shall be

1 collectible from any lottery winnings due the debtor without
2 regard to limitations on the amounts that may be collectible
3 in increments through garnishment or other proceedings. Such
4 list shall constitute a valid lien upon and claim of lien
5 against the lottery winnings of any debtor named in such list.
6 The list shall contain the names of the debtors, their social
7 security numbers if available, and any other information that
8 assists the authority department in identifying the debtors
9 named in the list.

10 2. The authority department is authorized and directed
11 to withhold any winnings paid out directly by the authority
12 department subject to the lien created by this section and
13 send notice to the winner. However, if the winner appears
14 and claims winnings in person, the authority department shall
15 notify the winner at that time by hand delivery of such action.
16 The authority department shall pay the funds over to the agency
17 administering the offset program.

18 3. Notwithstanding the provisions of section 99G.34
19 which prohibit disclosure by the authority department of
20 certain portions of the contents of prize winner records or
21 information, and notwithstanding any other confidentiality
22 statute, the authority department may provide to a claimant
23 agency all information necessary to accomplish and effectuate
24 the intent of this section.

25 4. The information obtained by a claimant agency from
26 the authority department in accordance with this section
27 shall retain its confidentiality and shall only be used by a
28 claimant agency in the pursuit of its debt collection duties
29 and practices. Any employee or prior employee of any claimant
30 agency who unlawfully discloses any such information for any
31 other purpose, except as otherwise specifically authorized by
32 law, shall be subject to the same penalties specified by law
33 for unauthorized disclosure of confidential information by
34 an agent or employee of the authority department under this
35 chapter.

1 5. Except as otherwise provided in this chapter,
2 attachments, garnishments, or executions authorized and issued
3 pursuant to law shall be withheld if timely served upon the
4 authority department.

5 6. The provisions of this section shall only apply to prizes
6 paid directly by the authority department and shall not apply
7 to any retailers authorized by the ~~board~~ department to pay
8 prizes of up to six hundred dollars after deducting the price
9 of the ticket or share.

10 Sec. 2349. Section 99G.42, Code 2023, is amended to read as
11 follows:

12 **99G.42 Compulsive gamblers — treatment program information.**

13 The authority department shall cooperate with the gambling
14 treatment program administered by the Iowa department of ~~public~~
15 health and human services to incorporate information regarding
16 the gambling treatment program and its toll-free telephone
17 number in printed materials distributed by the authority
18 department pursuant to this chapter.

19 Sec. 2350. IOWA LOTTERY — TRANSITION PROVISIONS.

20 1. For purposes of this section, unless the context
21 otherwise requires:

22 a. "Department" means the department of revenue.

23 b. "Iowa lottery authority" means the Iowa lottery
24 authority established pursuant to 2003 Iowa Acts, chapter 178,
25 section 66.

26 2. The department shall be the legal successor to the
27 Iowa lottery authority and, as such, shall assume all rights,
28 privileges, obligations, and responsibilities of the Iowa
29 lottery authority. The promulgated rules of the Iowa lottery
30 authority shall remain in full force and effect as the rules of
31 the department until amended or repealed by the department. In
32 addition, the department may continue the security practices
33 and procedures utilized by the Iowa lottery authority until
34 amended or repealed by the department.

35 3. At 12:01 a.m. on July 1, 2023, the department shall

1 become the legal successor to the Iowa lottery authority.

2 4. Personnel of the Iowa lottery authority employed on
3 July 1, 2023, shall transition to the department as department
4 employees under chapter 99G. The chief executive officer
5 of the Iowa lottery authority on July 1, 2023, shall be the
6 lottery administrator, as provided in this Act, on that date
7 without the requirement to be reappointed by the governor.

8 5. The department shall function as the legal successor to
9 the Iowa lottery authority and shall assume all of the assets
10 and obligations of the Iowa lottery authority, and funds of the
11 state shall not be used or obligated to pay the expenses or
12 prizes of the department or its predecessor, the Iowa lottery
13 authority.

14 6. In order to effect an immediate and efficient transition
15 of the lottery from the Iowa lottery authority to the
16 department, as soon as practicable, the department shall do all
17 of the following:

18 a. Take such steps and enter into such agreements as
19 the director of the department may determine are necessary
20 and proper in order to effect the transfer, assignment, and
21 delivery to the department from the Iowa lottery authority
22 of all the tangible and intangible assets constituting the
23 lottery, including the exclusive right to operate the lottery
24 and the assignment to and assumption by the department of all
25 agreements, covenants, and obligations of the Iowa lottery
26 authority and other agencies of the state, relating to the
27 operation and management of the lottery.

28 b. Receive as transferee from the Iowa lottery authority all
29 of the tangible and intangible assets constituting the lottery
30 including, without limitation, the exclusive authorization
31 to operate a lottery in the state of Iowa and ownership of
32 annuities and bonds purchased prior to the date of transfer and
33 held in the name of the Iowa lottery for payment of lottery
34 prizes, and shall assume and discharge all of the agreements,
35 covenants, and obligations of the Iowa lottery authority

1 entered into and constituting part of the operation and
 2 management of the lottery. In consideration for such transfer
 3 and assumption, the department shall transfer to the state all
 4 net profits of the department under chapter 99G, at such times
 5 and subject to such financial transfer requirements as are
 6 provided in this division of this Act.

7 ALCOHOLIC BEVERAGE CONTROL

8 Sec. 2351. Section 123.3, subsections 1 and 19, Code 2023,
 9 are amended by striking the subsections.

10 Sec. 2352. Section 123.3, Code 2023, is amended by adding
 11 the following new subsections:

12 NEW SUBSECTION. 16A. "*Department*" means the department of
 13 revenue.

14 NEW SUBSECTION. 17A. "*Director*" means the director of the
 15 department of revenue or the director's designee.

16 Sec. 2353. Section 123.3, subsections 6, 14, 16, 26, 29, 30,
 17 and 38, Code 2023, are amended to read as follows:

18 6. "*Application*" means a written request for the issuance
 19 of a permit, license, or certificate that is supported by a
 20 verified statement of facts and submitted electronically, or in
 21 a manner prescribed by the ~~administrator~~ director.

22 14. "*Commercial establishment*" means a place of business
 23 which is at all times equipped with sufficient tables and
 24 seats to accommodate twenty-five persons at one time, and
 25 the licensed premises of which conform to the standards and
 26 specifications of the ~~division~~ department.

27 16. "*Completed application*" means an application where all
 28 necessary fees have been paid in full, any required bonds have
 29 been submitted, the applicant has provided all information
 30 requested by the ~~division~~ department, and the application
 31 meets the requirements of section 123.92, subsection 2, if
 32 applicable.

33 26. The terms "*in accordance with the provisions of this*
 34 *chapter*", "*pursuant to the provisions of this title*", or similar
 35 terms shall include all rules and regulations of the ~~division~~

1 department adopted to aid in the administration or enforcement
2 of those provisions.

3 29. "*Licensed premises*" or "*premises*" means all rooms,
4 enclosures, contiguous areas, or places susceptible of precise
5 description satisfactory to the ~~administrator~~ director where
6 alcoholic beverages, wine, or beer is sold or consumed under
7 authority of a retail alcohol license, wine permit, or beer
8 permit. A single licensed premises may consist of multiple
9 rooms, enclosures, areas, or places if they are wholly within
10 the confines of a single building or contiguous grounds.

11 30. "*Local authority*" means the city council of any
12 incorporated city in this state, or the county board of
13 supervisors of any county in this state, which is empowered by
14 this chapter to approve or deny applications for retail alcohol
15 licenses; empowered to recommend that such licenses be granted
16 and issued by the ~~division~~ department; and empowered to take
17 other actions reserved to them by this chapter.

18 38. "*Permit*" or "*license*" means an express written
19 authorization issued by the ~~division~~ department for the
20 manufacture or sale, or both, of alcoholic liquor, wine, or
21 beer.

22 Sec. 2354. Section 123.3, subsection 40, paragraphs a and d,
23 Code 2023, are amended to read as follows:

24 a. The person has such financial standing and good
25 reputation as will satisfy the ~~administrator~~ director that the
26 person will comply with this chapter and all laws, ordinances,
27 and regulations applicable to the person's operations under
28 this chapter. However, the ~~administrator~~ director shall not
29 require the person to post a bond to meet the requirements of
30 this paragraph.

31 d. The person has not been convicted of a felony. However,
32 if the person's conviction of a felony occurred more than
33 five years before the date of the application for a license
34 or permit, and if the person's rights of citizenship have
35 been restored by the governor, the ~~administrator~~ director

1 may determine that the person is of good moral character
2 notwithstanding such conviction.

3 Sec. 2355. Section 123.4, Code 2023, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **123.4 Alcoholic beverage control.**

6 The department of revenue shall administer and enforce the
7 laws of this state concerning alcoholic beverage control.

8 Sec. 2356. Section 123.5, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. An alcoholic beverages commission is created within
11 the ~~division~~ department. The commission is composed of five
12 members, not more than three of whom shall belong to the same
13 political party.

14 Sec. 2357. Section 123.6, Code 2023, is amended to read as
15 follows:

16 **123.6 Commission meetings.**

17 The commission shall meet on or before July 1 of each year
18 for the purpose of selecting one of its members as chairperson
19 for the succeeding year. The commission shall otherwise meet
20 quarterly or at the call of the chairperson or ~~administrator~~
21 director or when three members file a written request for a
22 meeting. Written notice of the time and place of each meeting
23 shall be given to each member of the commission. A majority of
24 the commission members shall constitute a quorum.

25 Sec. 2358. Section 123.7, Code 2023, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **123.7 Duties of director.**

28 The director shall supervise the daily operations of the
29 department under this chapter and shall execute the alcoholic
30 beverage control policies of the department.

31 Sec. 2359. Section 123.8, Code 2023, is amended to read as
32 follows:

33 **123.8 Duties of commission and ~~administrator~~.**

34 1. The commission, in addition to the duties specifically
35 enumerated in this chapter, shall act as a ~~division~~

1 policy-making body under this chapter and serve in an advisory
2 capacity to the administrator director and department. The
3 ~~administrator shall supervise the daily operations of the~~
4 ~~division and shall execute the policies of the division as~~
5 ~~determined by the commission.~~

6 2. The commission may review and affirm, reverse, or amend
7 all actions of the administrator director under this chapter,
8 including but not limited to the following instances:

9 a. Purchases of alcoholic liquor for resale by the ~~division~~
10 department.

11 b. The establishment of wholesale prices of alcoholic
12 liquor.

13 Sec. 2360. Section 123.9, unnumbered paragraph 1, Code
14 2023, is amended to read as follows:

15 The administrator director, in executing ~~divisional~~ the
16 alcoholic beverage control functions of the department, shall
17 have the following duties and powers:

18 Sec. 2361. Section 123.9, subsections 1, 4, and 7, Code
19 2023, are amended to read as follows:

20 1. To receive alcoholic liquors on a bailment system for
21 resale by the ~~division~~ department in the manner set forth in
22 this chapter.

23 4. To appoint clerks, agents, or other employees required
24 for carrying out the provisions of this chapter; to dismiss
25 employees for cause; to assign employees to divisions and
26 bureaus as created by the administrator director within the
27 ~~division~~ department; and to designate their title, duties, and
28 powers. All employees of the ~~division~~ department for purposes
29 of this chapter are subject to chapter 8A, subchapter IV,
30 unless exempt under section 8A.412.

31 7. To accept alcoholic liquors ordered delivered to the
32 ~~alcoholic beverages division~~ department pursuant to chapter
33 809A, and offer for sale and deliver the alcoholic liquors to
34 class "E" retail alcohol licensees, unless the ~~administrator~~
35 director determines that the alcoholic liquors may be

1 adulterated or contaminated. If the ~~administrator~~ director
2 determines that the alcoholic liquors may be adulterated or
3 contaminated, the ~~administrator~~ director shall order their
4 destruction.

5 Sec. 2362. Section 123.10, unnumbered paragraph 1, Code
6 2023, is amended to read as follows:

7 The ~~administrator~~ director, with the approval of the
8 commission and subject to chapter 17A, may adopt rules as
9 necessary to carry out this chapter. The ~~administrator's~~
10 director's authority under this chapter extends to, but is not
11 limited to, the following:

12 Sec. 2363. Section 123.10, subsections 1, 6, 14, and 15,
13 Code 2023, are amended to read as follows:

14 1. Prescribing the duties of officers, clerks, agents, or
15 other employees of the ~~division~~ department under this chapter
16 and regulating their conduct while in the discharge of their
17 duties.

18 6. Providing for the issuance and electronic distribution
19 of price lists which show the price to be paid by class
20 "E" retail alcohol licensees for each brand, class, or
21 variety of liquor kept for sale by the ~~division~~ department,
22 providing for the filing or posting of prices charged in sales
23 between class "A" beer and class "A" wine permit holders and
24 retailers, as provided in this chapter, and establishing or
25 controlling the prices based on minimum standards of fill,
26 quantity, or alcoholic content for each individual sale of
27 alcoholic beverages as deemed necessary for retail or consumer
28 protection. However, the ~~division~~ department shall not
29 regulate markups, prices, discounts, allowances, or other terms
30 of sale at which alcoholic liquor may be purchased by the
31 retail public or retail alcohol licensees from class "E" retail
32 alcohol licensees or at which wine may be purchased and sold
33 by class "A" and retail wine permittees, or change, nullify,
34 or vary the terms of an agreement between a holder of a vintner
35 certificate of compliance and a class "A" wine permittee.

1 14. Prescribing the uniform fee to be assessed against
2 a retail alcohol licensee, except a class "B", special class
3 "B", or class "E" retail alcohol licensee, to cover the
4 administrative costs incurred by the ~~division~~ department
5 resulting from the failure of the licensee to maintain dramshop
6 liability insurance coverage pursuant to section 123.92,
7 subsection 2, paragraph "a".

8 15. Prescribing the uniform fee, not to exceed one hundred
9 dollars, to be assessed against a licensee or permittee under
10 this chapter for a contested case hearing conducted by the
11 ~~division~~ department or by an administrative law judge from
12 the department of inspections and appeals which results in
13 administrative action taken against the licensee or permittee
14 by the ~~division~~ department.

15 Sec. 2364. Section 123.11, Code 2023, is amended to read as
16 follows:

17 **123.11 Compensation and expenses.**

18 Members of the commission, the ~~administrator~~ director, and
19 other employees of the ~~division~~ department shall be allowed
20 their actual and necessary expenses while traveling on business
21 of the ~~division~~ department under this chapter outside of their
22 place of residence, however, an itemized account of such
23 expenses shall be verified by the claimant and approved by the
24 ~~administrator~~ director. If such account is paid, the same
25 shall be filed with the ~~division~~ department and be and remain
26 a part of its permanent records. Each member appointed to
27 the commission is entitled to receive reimbursement of actual
28 expenses incurred while attending meetings. Each member of
29 the commission may also be eligible to receive compensation
30 as provided in section 7E.6. All expenses and salaries of
31 commission members, the ~~administrator~~ director, and other
32 employees shall be paid from appropriations for such purposes
33 and the ~~division~~ department shall be subject to the budget
34 requirements of chapter 8.

35 Sec. 2365. Section 123.12, Code 2023, is amended to read as

1 follows:

2 **123.12 Exemption from suit.**

3 ~~No~~ A commission member or officer or employee of the ~~division~~
4 department shall not be personally liable for damages sustained
5 by any person due to the act of such member, officer, or
6 employee performed in the reasonable discharge of the member's,
7 officer's, or employee's duties as enumerated in this chapter.

8 Sec. 2366. Section 123.13, Code 2023, is amended to read as
9 follows:

10 **123.13 Prohibitions on commission members and employees.**

11 1. Commission members, officers, and employees of the
12 ~~division~~ department under this chapter shall not, while holding
13 such office or position, do any of the following:

14 a. Hold any other office or position under the laws of this
15 state, or any other state or territory or of the United States.

16 b. Engage in any occupation, business, endeavor, or activity
17 which would or does conflict with their duties under this
18 chapter.

19 c. Directly or indirectly, use their office or employment
20 to influence, persuade, or induce any other officer, employee,
21 or person to adopt their political views or to favor any
22 particular candidate for an elective or appointive public
23 office.

24 d. Directly or indirectly, solicit or accept, in any manner
25 or way, any money or other thing of value for any person
26 seeking an elective or appointive public office, or to any
27 political party or any group of persons seeking to become a
28 political party.

29 2. Except as provided in section 123.5, subsection 3, a
30 commission member or ~~division~~ department employee under this
31 chapter shall not, directly or indirectly, individually, or as
32 a member of a partnership or shareholder in a corporation, have
33 any interest in dealing in or in the manufacture of alcoholic
34 liquor, wine, or beer, and shall not receive any kind of profit
35 nor have any interest in the purchase or sale of alcoholic

1 liquor, wine, or beer by persons so authorized under this
 2 chapter. However, this subsection does not prohibit any member
 3 or employee from lawfully purchasing and keeping alcoholic
 4 liquor, wine, or beer in the member's or employee's possession
 5 for personal use.

6 3. Any officer or employee violating this section or any
 7 other provisions of this chapter shall, in addition to any
 8 other penalties provided by law, be subject to suspension or
 9 discharge from employment. Any commission member shall, in
 10 addition to any other penalties provided by law, be subject to
 11 removal from office as provided by chapter 66.

12 Sec. 2367. Section 123.14, Code 2023, is amended to read as
 13 follows:

14 **123.14 Alcoholic beverage control law enforcement.**

15 1. The department of public safety is the primary alcoholic
 16 beverage control law enforcement authority for this state.

17 2. The county attorney, the county sheriff and the sheriff's
 18 deputies, and the police department of every city, and the
 19 ~~alcoholic beverages division of the department of commerce,~~
 20 shall be supplementary aids to the department of public safety
 21 for purposes of alcoholic beverage control law enforcement.
 22 Any neglect, misfeasance, or malfeasance shown by any peace
 23 officer included in this section shall be sufficient cause
 24 for the peace officer's removal as provided by law. This
 25 section shall not be construed to affect the duties and
 26 responsibilities of any county attorney or peace officer with
 27 respect to law enforcement.

28 3. The department of public safety shall have full access
 29 to all records, reports, audits, tax reports and all other
 30 documents and papers in the ~~alcoholic beverages division~~
 31 department pertaining to liquor licensees and wine and beer
 32 permittees and their business.

33 Sec. 2368. Section 123.16, unnumbered paragraph 1, Code
 34 2023, is amended to read as follows:

35 The ~~commission~~ department shall cause to be prepared an

1 annual report to the governor of the state, ending with June 30
2 of each fiscal year, on the operation and financial position of
3 the ~~division~~ department under this chapter for the preceding
4 fiscal year. The report shall include but is not limited to
5 the following information:

6 Sec. 2369. Section 123.16, subsections 1 and 7, Code 2023,
7 are amended to read as follows:

8 1. Amount of profit or loss from ~~division~~ department
9 operations under this chapter.

10 7. Amount of fees paid to the ~~division~~ department from
11 retail alcohol licenses, wine permits, and beer permits, in
12 gross, and the amount of retail alcohol license fees returned
13 to local subdivisions of government as provided under this
14 chapter.

15 Sec. 2370. Section 123.17, Code 2023, is amended to read as
16 follows:

17 **123.17 Beer and liquor control fund — allocations to**
18 **substance abuse programs — use of civil penalties.**

19 1. There shall be established within the office of
20 the treasurer of state a fund to be known as the beer and
21 liquor control fund. The fund shall consist of any moneys
22 appropriated by the general assembly for deposit in the fund
23 and moneys received from the sale of alcoholic liquors by the
24 ~~division~~ department, from the issuance of permits and licenses,
25 and of moneys and receipts received by the ~~division~~ department
26 from any other source under this chapter.

27 2. *a.* The director of the department of administrative
28 services shall periodically transfer from the beer and liquor
29 control fund to the general fund of the state those revenues
30 of the ~~division~~ department which are not necessary for the
31 purchase of liquor for resale by the ~~division~~ department,
32 or for remittances to local authorities or other sources as
33 required by this chapter, or for other obligations and expenses
34 of the ~~division~~ department which are paid from such fund.

35 *b.* All moneys received by the ~~division~~ department from

1 the issuance of vintner's certificates of compliance and wine
2 permits shall be transferred by the director of the department
3 of administrative services to the general fund of the state.

4 3. Notwithstanding subsection 2, if gaming revenues under
5 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
6 meet the total amount of such revenues directed to be deposited
7 in the revenue bonds debt service fund and the revenue bonds
8 federal subsidy holdback fund during the fiscal year pursuant
9 to section 8.57, subsection 5, paragraph "e", the difference
10 shall be paid from moneys deposited in the beer and liquor
11 control fund prior to transfer of such moneys to the general
12 fund pursuant to subsection 2 and prior to the transfer of such
13 moneys pursuant to subsections 5 and 6. If moneys deposited in
14 the beer and liquor control fund are insufficient during the
15 fiscal year to pay the difference, the remaining difference
16 shall be paid from moneys deposited in the beer and liquor
17 control fund in subsequent fiscal years as such moneys become
18 available.

19 4. The treasurer of state shall, each quarter, prepare
20 an estimate of the gaming revenues and of the moneys to be
21 deposited in the beer and liquor control fund that will become
22 available during the remainder of the appropriate fiscal year
23 for the purposes described in subsection 3. The department
24 of management, the department of inspections and appeals, and
25 the department of ~~commerce~~ shall take appropriate actions to
26 provide that the sum of the amount of gaming revenues available
27 to be deposited into the revenue bonds debt service fund and
28 the revenue bonds federal subsidy holdback fund during a fiscal
29 year and the amount of moneys to be deposited in the beer and
30 liquor control fund available to be deposited into the revenue
31 bonds debt service fund and the revenue bonds federal subsidy
32 holdback fund during such fiscal year will be sufficient to
33 cover any anticipated deficiencies.

34 5. After any transfer provided for in subsection 3 is
35 made, the department of ~~commerce~~ shall transfer into a special

1 revenue account in the general fund of the state, a sum of
2 money at least equal to seven percent of the gross amount
3 of sales made by the ~~division~~ department from the beer and
4 liquor control fund on a monthly basis but not less than nine
5 million dollars annually. Of the amounts transferred, two
6 million dollars, plus an additional amount determined by the
7 general assembly, shall be appropriated to the Iowa department
8 of public health for use by the staff who administer the
9 comprehensive substance abuse program under chapter 125 for
10 substance abuse treatment and prevention programs. Any amounts
11 received in excess of the amounts appropriated to the Iowa
12 department of public health for use by the staff who administer
13 the comprehensive substance abuse program under chapter 125
14 shall be considered part of the general fund balance.

15 6. After any transfers provided for in subsections 3 and
16 5, the department ~~of commerce~~ shall receive a transfer to the
17 ~~division~~ from the beer and liquor control fund and before any
18 other transfer to the general fund, an amount sufficient to pay
19 the costs incurred by the ~~division~~ department for collecting
20 and properly disposing of the liquor containers.

21 7. After any transfers provided for in subsections 3, 5,
22 and 6, and before any other transfer to the general fund,
23 the department ~~of commerce~~ shall transfer to the economic
24 development authority from the beer and liquor control fund
25 two million dollars annually for statewide tourism marketing
26 services and efforts pursuant to section 15.275.

27 8. After any transfers provided for in subsections 3, 5, 6,
28 and 7, and before any other transfer to the general fund, the
29 department ~~of commerce~~ shall transfer from the beer and liquor
30 control fund one million dollars to the Iowa department of
31 public health for distribution pursuant to section 125.59.

32 9. Civil penalties imposed and collected by the ~~division~~
33 department under this chapter shall be credited to the general
34 fund of the state. The moneys from the civil penalties shall
35 be used by the ~~division~~ department, subject to appropriation by

1 the general assembly, for the purposes of providing educational
2 programs, information and publications for alcoholic
3 beverage licensees and permittees, local authorities, and law
4 enforcement agencies regarding the laws and rules which govern
5 the alcoholic beverages industry, and for promoting compliance
6 with alcoholic beverage laws and rules.

7 Sec. 2371. Section 123.18, Code 2023, is amended to read as
8 follows:

9 **123.18 Appropriations.**

10 ~~Division~~ Department appropriations for purposes of this
11 chapter shall be paid by the treasurer of state upon the orders
12 of the ~~administrator~~ director, in such amounts and at such
13 times as the ~~administrator~~ director deems necessary to carry on
14 operations in accordance with the terms of this chapter.

15 Sec. 2372. Section 123.22, subsection 1, Code 2023, is
16 amended to read as follows:

17 1. The ~~division~~ department has the exclusive right of
18 importation into the state of all forms of alcoholic liquor,
19 except as otherwise provided in this chapter, and a person
20 shall not import alcoholic liquor, except that an individual of
21 legal age may import and have in the individual's possession
22 an amount of alcoholic liquor not exceeding nine liters per
23 calendar month that the individual personally obtained outside
24 the state. Alcoholic liquor imported by an individual pursuant
25 to this subsection shall be for personal consumption only in
26 a private home or other private accommodation. A distillery
27 shall not sell alcoholic liquor within the state to any person
28 but only to the ~~division~~ department, except as otherwise
29 provided in this chapter. This section vests in the ~~division~~
30 department exclusive control within the state as purchaser of
31 all alcoholic liquor sold by distilleries within the state
32 or imported, except beer and wine, and except as otherwise
33 provided in this chapter. The ~~division~~ department shall
34 receive alcoholic liquor on a bailment system for resale by the
35 ~~division~~ department in the manner set forth in this chapter.

1 The ~~division~~ department shall act as the sole wholesaler of
2 alcoholic liquor to class "E" retail alcohol licensees.

3 Sec. 2373. Section 123.23, subsections 1, 2, 3, and 5, Code
4 2023, are amended to read as follows:

5 1. Any manufacturer, distiller, or importer of alcoholic
6 liquors shipping, selling, or having alcoholic liquors brought
7 into this state for resale by the state shall, as a condition
8 precedent to the privilege of so trafficking in alcoholic
9 liquors in this state, annually make application for and hold
10 a distiller's certificate of compliance which shall be issued
11 by the ~~administrator~~ director for that purpose. No brand of
12 alcoholic liquor shall be sold by the ~~division~~ department
13 in this state unless the manufacturer, distiller, importer,
14 and all other persons participating in the distribution of
15 that brand in this state have obtained a certificate. The
16 certificate of compliance shall expire at the end of one year
17 from the date of issuance and shall be renewed for a like
18 period upon application to the ~~administrator~~ director unless
19 otherwise suspended or revoked for cause. Each completed
20 application for a certificate of compliance or renewal shall
21 be submitted electronically, or in a manner prescribed by the
22 ~~administrator~~ director, and shall be accompanied by a fee
23 of two hundred dollars payable to the ~~division~~ department.
24 However, this subsection need not apply to a manufacturer,
25 distiller, or importer who ships or sells in this state no more
26 than eleven gallons or its case equivalent during any fiscal
27 year as a result of "special orders" which might be placed, as
28 defined and allowed by ~~divisional~~ departmental rules adopted
29 under this chapter.

30 2. At the time of applying for a certificate of compliance,
31 each applicant shall submit to the ~~division~~ department
32 electronically, or in a manner prescribed by the ~~administrator~~
33 director, the name and address of its authorized agent
34 for service of process which shall remain effective until
35 changed for another, and a list of names and addresses of all

1 representatives, employees, or attorneys whom the applicant has
 2 appointed in the state of Iowa to represent it for any purpose.
 3 The listing shall be amended by the certificate holder as
 4 necessary to keep the listing current with the ~~division~~
 5 department.

6 3. The ~~administrator~~ director and the attorney general
 7 are authorized to require any certificate holder or person
 8 listed as the certificate holder's representative, employee,
 9 or attorney to disclose such financial and other records and
 10 transactions as may be considered relevant in discovering
 11 violations of this chapter or of rules and regulations of
 12 the ~~division~~ department under this chapter or of any other
 13 provision of law by any person.

14 5. This section shall not require the listing of those
 15 persons who are employed on premises where alcoholic liquors
 16 are manufactured, processed, bottled, or packaged in Iowa or
 17 persons who are thereafter engaged in the transporting of such
 18 alcoholic liquors to the ~~division~~ department.

19 Sec. 2374. Section 123.24, Code 2023, is amended to read as
 20 follows:

21 **123.24 Alcoholic liquor sales by the ~~division~~ department —**
 22 **dishonored payments — liquor prices.**

23 1. The ~~division~~ department shall sell alcoholic liquor at
 24 wholesale only. The ~~division~~ department shall sell alcoholic
 25 liquor to class "E" retail alcohol licensees only. The
 26 ~~division~~ department shall offer the same price on alcoholic
 27 liquor to all class "E" retail alcohol licensees without regard
 28 for the quantity of purchase or the distance for delivery.

29 2. The price of alcoholic liquor sold by the ~~division~~
 30 department shall consist of the following:

31 a. The manufacturer's price.

32 b. A markup of up to fifty percent of the wholesale price
 33 paid by the ~~division~~ department for the alcoholic liquor.

34 The ~~division~~ department may increase the markup on selected
 35 kinds of alcoholic liquor sold by the ~~division~~ department if

1 the average return to the ~~division~~ department on all sales of
2 alcoholic liquor does not exceed the wholesale price paid by
3 the ~~division~~ department and the fifty percent markup.

4 *c.* A split case charge in an amount determined by the
5 ~~division~~ department when alcoholic liquor is sold in quantities
6 which require a case to be split.

7 *d.* A bottle surcharge in an amount sufficient, when added to
8 the amount not refunded to class "E" retail alcohol licensees
9 pursuant to section 455C.2, to pay the costs incurred by the
10 ~~division~~ department for collecting and properly disposing of
11 the liquor containers. The amount collected pursuant to this
12 paragraph, in addition to any amounts not refunded to class "E"
13 retail alcohol licensees pursuant to section 455C.2, shall be
14 deposited in the beer and liquor control fund established under
15 section 123.17.

16 3. *a.* The ~~division~~ department may accept from a class
17 "E" retail alcohol licensee electronic funds transferred by
18 automated clearing house, wire transfer, or another method
19 deemed acceptable by the ~~administrator~~ director, in payment of
20 alcoholic liquor. If a payment is subsequently dishonored,
21 the ~~division~~ department shall cause a notice of nonpayment
22 and penalty to be served upon the class "E" retail alcohol
23 licensee or upon any person in charge of the licensed premises.
24 The notice shall state that if payment or satisfaction for
25 the dishonored payment is not made within ten days of the
26 service of notice, the licensee's retail alcohol license may
27 be suspended under section 123.39. The notice of nonpayment
28 and penalty shall be in a form prescribed by the ~~administrator~~
29 director, and shall be sent by certified mail.

30 *b.* If upon notice and hearing under section 123.39 and
31 pursuant to the provisions of chapter 17A concerning a
32 contested case hearing, the ~~administrator~~ director determines
33 that the class "E" retail alcohol licensee failed to satisfy
34 the obligation for which the payment was issued within ten days
35 after the notice of nonpayment and penalty was served on the

1 licensee as provided in paragraph "a" of this subsection, the
 2 ~~administrator~~ director may suspend the licensee's class "E"
 3 retail alcohol license for a period not to exceed ten days.

4 4. The ~~administrator~~ director may refuse to sell alcoholic
 5 liquor to a class "E" retail alcohol licensee who tenders a
 6 payment which is subsequently dishonored until the outstanding
 7 obligation is satisfied.

8 Sec. 2375. Section 123.25, Code 2023, is amended to read as
 9 follows:

10 **123.25 Consumption on premises.**

11 An officer, clerk, agent, or employee of the ~~division~~
 12 department employed in a state-owned warehouse under this
 13 chapter shall not allow any alcoholic beverage to be consumed
 14 on the premises, nor shall a person consume any alcoholic
 15 liquor on the premises except for testing or sampling purposes
 16 only.

17 Sec. 2376. Section 123.26, Code 2023, is amended to read as
 18 follows:

19 **123.26 Restrictions on sales — seals — labeling.**

20 Alcoholic liquor shall not be sold by a class "E" retail
 21 alcohol licensee except in a sealed container with identifying
 22 markers as prescribed by the ~~administrator~~ director and affixed
 23 in the manner prescribed by the ~~administrator~~ director, and no
 24 such container shall be opened upon the premises of a state
 25 warehouse. The ~~division~~ department shall cooperate with the
 26 department of natural resources so that only one identifying
 27 marker or mark is needed to satisfy the requirements of this
 28 section and section 455C.5, subsection 1. Possession of
 29 alcoholic liquors which do not carry the prescribed identifying
 30 markers is a violation of this chapter except as provided in
 31 section 123.22.

32 Sec. 2377. Section 123.27, Code 2023, is amended to read as
 33 follows:

34 **123.27 Sales and deliveries prohibited.**

35 It is unlawful to transact the sale or delivery of alcoholic

1 liquor in, on, or from the premises of a state warehouse:

2 1. After the closing hour as established by the
3 ~~administrator~~ director.

4 2. On any legal holiday except those designated by the
5 ~~administrator~~ director.

6 3. During other periods or days as designated by the
7 ~~administrator~~ director.

8 Sec. 2378. Section 123.28, subsections 1 and 2, Code 2023,
9 are amended to read as follows:

10 1. It is lawful to transport, carry, or convey alcoholic
11 liquors from the place of purchase by the ~~division~~ department
12 to a state warehouse or depot established by the ~~division~~
13 department or from one such place to another and, when so
14 permitted by this chapter, it is lawful for the ~~division~~
15 department, a common carrier, or other person to transport,
16 carry, or convey alcoholic liquor sold from a state warehouse,
17 depot, or point of purchase by the state to any place to which
18 the liquor may be lawfully delivered under this chapter.

19 2. The ~~division~~ department shall deliver alcoholic liquor
20 purchased by class "E" retail alcohol licensees. Class "E"
21 retail alcohol licensees may deliver alcoholic liquor purchased
22 by class "C", class "D", or class "F" retail alcohol licensees,
23 and class "C", class "D", or class "F" retail alcohol licensees
24 may transport alcoholic liquor purchased from class "E" retail
25 alcohol licensees.

26 Sec. 2379. Section 123.29, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. This chapter does not prohibit the sale of patent and
29 proprietary medicines, tinctures, food products, extracts,
30 toiletries, perfumes, and similar products, which are not
31 susceptible of use as a beverage, but which contain alcoholic
32 liquor, wine, or beer as one of their ingredients. These
33 products may be sold through ordinary wholesale and retail
34 businesses without a license or permit issued by the ~~division~~
35 department.

1 Sec. 2380. Section 123.30, subsections 1 and 2, Code 2023,
2 are amended to read as follows:

3 1. *a.* A retail alcohol license may be issued to any person
4 who is of good moral character as defined by this chapter.

5 *b.* As a condition for issuance of a retail alcohol license
6 or wine or beer permit, the applicant must give consent
7 to members of the fire, police, and health departments
8 and the building inspector of cities; the county sheriff
9 or deputy sheriff; members of the department of public
10 safety; representatives of the ~~division~~ department and of
11 the department of inspections and appeals; certified police
12 officers; and any official county health officer to enter upon
13 areas of the premises where alcoholic beverages are stored,
14 served, or sold, without a warrant during business hours of
15 the licensee or permittee to inspect for violations of this
16 chapter or ordinances and regulations that cities and boards
17 of supervisors may adopt. However, a subpoena issued under
18 section 421.17 or a warrant is required for inspection of
19 private records, a private business office, or attached living
20 quarters. Persons who are not certified peace officers shall
21 limit the scope of their inspections of licensed premises
22 to the regulatory authority under which the inspection is
23 conducted. All persons who enter upon a licensed premises to
24 conduct an inspection shall present appropriate identification
25 to the owner of the establishment or the person who appears
26 to be in charge of the establishment prior to commencing
27 an inspection; however, this provision does not apply to
28 undercover criminal investigations conducted by peace officers.

29 *c.* As a further condition for the issuance of a class "E"
30 retail alcohol license, the applicant shall post a bond in
31 a sum of not less than five thousand nor more than fifteen
32 thousand dollars as determined on a sliding scale established
33 by the ~~division~~ department; however, a bond shall not be
34 required if all purchases of alcoholic liquor from the ~~division~~
35 department by the licensee are made by means that ensure that

1 the ~~division~~ department will receive full payment in advance of
2 delivery of the alcoholic liquor.

3 d. A class "E" retail alcohol license may be issued to a
4 city council for premises located within the limits of the city
5 if there are no class "E" retail alcohol licensees operating
6 within the limits of the city and no other applications for a
7 class "E" license for premises located within the limits of
8 the city at the time the city council's application is filed.
9 If a class "E" retail alcohol license is subsequently issued
10 to a private person for premises located within the limits of
11 the city, the city council shall surrender its license to the
12 ~~division~~ department within one year of the date that the class
13 "E" retail alcohol licensee begins operating, liquidate any
14 remaining assets connected with the liquor store, and cease
15 operating the liquor store.

16 2. A retail alcohol license shall not be issued for premises
17 which do not constitute a safe and proper place or building
18 and which do not conform to all applicable laws, ordinances,
19 resolutions, and health and fire regulations. A licensee
20 shall not have or maintain any interior access to residential
21 or sleeping quarters unless permission is granted by the
22 ~~administrator~~ director in the form of a living quarters permit.

23 Sec. 2381. Section 123.30, subsection 3, paragraph d,
24 subparagraphs (1) and (5), Code 2023, are amended to read as
25 follows:

26 (1) A class "E" retail alcohol license may be issued and
27 shall authorize the holder to purchase alcoholic liquor in
28 original unopened containers from the ~~division~~ department
29 only, wine from a class "A" wine permittee only, and beer from
30 a class "A" beer permittee only; to sell alcoholic liquor,
31 wine, and beer in original unopened containers at retail to
32 patrons for consumption off the licensed premises; and to sell
33 alcoholic liquor and high alcoholic content beer at wholesale
34 to other retail alcohol licensees, provided the holder has
35 filed with the ~~division~~ department a basic permit issued by the

1 alcohol and tobacco tax and trade bureau of the United States
2 department of the treasury.

3 (5) The ~~division~~ department may issue a class "E" retail
4 alcohol license for premises covered by a retail alcohol
5 license for on-premises consumption under any of the following
6 circumstances:

7 (a) If the premises are in a county having a population
8 under nine thousand five hundred in which no other class
9 "E" retail alcohol license has been issued by the ~~division~~
10 department, and no other application for a class "E" retail
11 alcohol license has been made within the previous twelve
12 consecutive months.

13 (b) If, notwithstanding any provision of this chapter to the
14 contrary, the premises covered by a retail alcohol license is a
15 grocery store that is at least five thousand square feet.

16 Sec. 2382. Section 123.31, subsection 1, unnumbered
17 paragraph 1, Code 2023, is amended to read as follows:

18 A person applying for a retail alcohol license shall submit a
19 completed application electronically, or in a manner prescribed
20 by the ~~administrator~~ director, which shall set forth under oath
21 the following:

22 Sec. 2383. Section 123.31, subsection 1, paragraphs e and g,
23 Code 2023, are amended to read as follows:

24 e. When required by the ~~administrator~~ director, and in
25 such form and containing such information as the ~~administrator~~
26 director may require, a description of the premises where the
27 applicant intends to use the license, to include a sketch or
28 drawing of the premises and, if applicable, the number of
29 square feet of interior floor space which comprises the retail
30 sales area of the premises.

31 g. Any other information as required by the ~~administrator~~
32 director.

33 Sec. 2384. Section 123.31, subsection 2, paragraph d, Code
34 2023, is amended to read as follows:

35 d. That the premises where the applicant intends to use the

1 license conforms to all applicable laws, health regulations,
2 and fire regulations, and constitutes a safe and proper place
3 or building and that the applicant shall not have or maintain
4 any interior access to residential or sleeping quarters unless
5 permission is granted by the ~~administrator~~ director in the form
6 of a living quarters permit.

7 Sec. 2385. Section 123.31A, subsection 3, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 Subject to the rules of the ~~division~~ department, sales made
10 pursuant to this section may be made in a container other
11 than the original container only if all of the following
12 requirements are met:

13 Sec. 2386. Section 123.31A, subsection 3, paragraph d, Code
14 2023, is amended to read as follows:

15 d. The container to be sold shall be securely sealed
16 by a method authorized by the ~~division~~ department that is
17 designed so that if the sealed container is reopened or the
18 seal tampered with, it is visibly apparent that the seal on the
19 container of beer or wine has been tampered with or the sealed
20 container has otherwise been reopened.

21 Sec. 2387. Section 123.31A, subsection 4, Code 2023, is
22 amended to read as follows:

23 4. A container of beer or wine other than the original
24 container that is sold and sealed in compliance with the
25 requirements of subsection 3 and the ~~division's~~ department's
26 rules shall not be deemed an open container subject to the
27 requirements of sections 321.284 and 321.284A if the sealed
28 container is unopened and the seal has not been tampered with,
29 and the contents of the container have not been partially
30 removed.

31 Sec. 2388. Section 123.32, subsection 1, paragraph b,
32 unnumbered paragraph 1, Code 2023, is amended to read as
33 follows:

34 A completed application for a class "D" retail alcohol
35 license and for any of the following certificates, licenses,

1 or permits shall be submitted to the ~~division~~ department
2 electronically, or in a manner prescribed by the ~~administrator~~
3 director, which shall proceed in the same manner as in the case
4 of an application approved by local authorities:

5 Sec. 2389. Section 123.32, subsections 2, 6, 7, 8, and 9,
6 Code 2023, are amended to read as follows:

7 2. *Action by local authorities.* The local authority
8 shall either approve or disapprove the issuance of a retail
9 alcohol license, shall endorse its approval or disapproval
10 on the application, and shall forward the application with
11 the necessary fee and bond, if required, to the ~~division~~
12 department. There is no limit upon the number of retail
13 alcohol licenses which may be approved for issuance by local
14 authorities.

15 6. *Action by ~~administrator~~ director.*

16 a. Upon receipt of an application having been disapproved by
17 the local authority, the ~~administrator~~ director shall notify
18 the applicant that the applicant may appeal the disapproval of
19 the application to the ~~administrator~~ director. The applicant
20 shall be notified by certified mail or personal service, and
21 the application, the fee, and any bond shall be returned to the
22 applicant.

23 b. Upon receipt of an application having been approved by
24 the local authority, the ~~division~~ department shall make an
25 investigation as the ~~administrator~~ director deems necessary to
26 determine that the applicant complies with all requirements
27 for holding a license, and may require the applicant to appear
28 to be examined under oath to demonstrate that the applicant
29 complies with all of the requirements to hold a license. If
30 the ~~administrator~~ director requires the applicant to appear
31 and to testify under oath, a record shall be made of all
32 testimony or evidence and the record shall become a part of the
33 application. The ~~administrator~~ director may appoint a member
34 of the ~~division~~ department or may request an administrative
35 law judge of the department of inspections and appeals to

1 receive the testimony under oath and evidence, and to issue a
2 proposed decision to approve or disapprove the application for
3 a license. The ~~administrator~~ director may affirm, reverse,
4 or modify the proposed decision to approve or disapprove the
5 application for the license. If the application is approved by
6 the ~~administrator~~ director, the license shall be issued. If
7 the application is disapproved by the ~~administrator~~ director,
8 the applicant shall be so notified by certified mail or
9 personal service and the appropriate local authority shall
10 be notified electronically, or in a manner prescribed by the
11 ~~administrator~~ director.

12 7. *Appeal to ~~administrator~~ director.* An applicant for a
13 retail alcohol license may appeal from the local authority's
14 disapproval of an application for a license or permit to the
15 ~~administrator~~ director. In the appeal the applicant shall
16 be allowed the opportunity to demonstrate in an evidentiary
17 hearing conducted pursuant to chapter 17A that the applicant
18 complies with all of the requirements for holding the license
19 or permit. The ~~administrator~~ director may appoint a member of
20 the ~~division~~ department or may request an administrative law
21 judge from the department of inspections and appeals to conduct
22 the evidentiary hearing and to render a proposed decision to
23 approve or disapprove the issuance of the license or permit.
24 The ~~administrator~~ director may affirm, reverse, or modify the
25 proposed decision. If the ~~administrator~~ director determines
26 that the applicant complies with all of the requirements
27 for holding a license or permit, the ~~administrator~~ director
28 shall order the issuance of the license or permit. If the
29 ~~administrator~~ director determines that the applicant does not
30 comply with the requirements for holding a license or permit,
31 the ~~administrator~~ director shall disapprove the issuance of the
32 license or permit.

33 8. *Judicial review.* The applicant or the local
34 authority may seek judicial review of the action of the
35 ~~administrator~~ director in accordance with the terms of the Iowa

1 administrative procedure Act, chapter 17A. Notwithstanding
 2 the terms of the Iowa administrative procedure Act, chapter
 3 17A, petitions for judicial review may be filed in the
 4 district court of the county where the premises covered by the
 5 application are situated.

6 9. *Suspension by local authority.* A retail alcohol licensee
 7 whose license has been suspended or revoked or a civil penalty
 8 imposed by a local authority for a violation of this chapter
 9 or suspended by a local authority for violation of a local
 10 ordinance may appeal the suspension, revocation, or civil
 11 penalty to the ~~administrator~~ director. The ~~administrator~~
 12 director may appoint a member of the ~~division~~ department or
 13 may request an administrative law judge from the department
 14 of inspections and appeals to hear the appeal which shall
 15 be conducted in accordance with chapter 17A and to issue a
 16 proposed decision. The ~~administrator~~ director may review the
 17 proposed decision upon the motion of a party to the appeal or
 18 upon the ~~administrator's~~ director's own motion in accordance
 19 with chapter 17A. Upon review of the proposed decision, the
 20 ~~administrator~~ director may affirm, reverse, or modify the
 21 proposed decision. A retail alcohol licensee or a local
 22 authority aggrieved by a decision of the ~~administrator~~ director
 23 may seek judicial review of the decision pursuant to chapter
 24 17A.

25 Sec. 2390. Section 123.33, Code 2023, is amended to read as
 26 follows:

27 **123.33 Records.**

28 Every holder of a license or permit under this chapter
 29 shall maintain records, in printed or electronic format,
 30 which include income statements, balance sheets, purchase and
 31 sales invoices, purchase and sales ledgers, and any other
 32 records as the ~~administrator~~ director may require. The records
 33 required and the premises of the licensee or permittee shall be
 34 accessible and open to inspection pursuant to section 123.30,
 35 subsection 1, during normal business hours of the licensee or

1 permittee.

2 Sec. 2391. Section 123.34, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:

4 a. The ~~administrator~~ director may issue eight-month seasonal
5 class "C", special class "C", class "D", and class "F" retail
6 alcohol licenses.

7 Sec. 2392. Section 123.34, subsection 2, paragraph a, Code
8 2023, is amended to read as follows:

9 a. The ~~administrator~~ director may issue fourteen-day class
10 "C", special class "C", class "D", and class "F" retail alcohol
11 licenses.

12 Sec. 2393. Section 123.34, subsection 3, paragraph a, Code
13 2023, is amended to read as follows:

14 a. The ~~administrator~~ director may issue five-day class "C",
15 special class "C", class "D", and class "F" retail alcohol
16 licenses.

17 Sec. 2394. Section 123.35, subsection 2, unnumbered
18 paragraph 1, Code 2023, is amended to read as follows:

19 Notwithstanding section 123.31 and any other provision
20 of this chapter to the contrary, a class "E" retail alcohol
21 license shall automatically renew without the endorsement of
22 a local authority or approval by the ~~administrator~~ director
23 upon collection of the annual fee by the ~~division~~ department,
24 provided all of the following conditions are met since the
25 preceding license was issued:

26 Sec. 2395. Section 123.35, subsection 2, paragraphs a, e,
27 and h, Code 2023, are amended to read as follows:

28 a. The licensee has given written consent to the ~~division~~
29 department to have the license automatically renewed as
30 provided in this section.

31 e. The licensee has not submitted payment for alcoholic
32 liquor to the ~~division~~ department that was subsequently
33 dishonored.

34 h. A local authority has not notified the ~~division~~
35 department, in a manner established by the ~~division~~ department

1 and made available to local authorities, that automatic renewal
2 should not occur and that further review of the licensee by
3 the ~~division~~ department and the applicable local authority is
4 warranted.

5 Sec. 2396. Section 123.35, subsection 3, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 Notwithstanding sections 123.23, 123.135, 123.180, and any
8 other provision of this chapter to the contrary, a distiller's,
9 brewer's, or vintner's certificate of compliance shall
10 automatically renew without approval by the ~~administrator~~
11 director upon collection of the annual fee by the ~~division~~
12 department, provided all of the following conditions are met
13 since the preceding certificate was issued:

14 Sec. 2397. Section 123.35, subsection 3, paragraph a, Code
15 2023, is amended to read as follows:

16 a. The certificate holder has given written consent to
17 the ~~division~~ department to have the certificate automatically
18 renewed as provided in this section.

19 Sec. 2398. Section 123.35, subsection 4, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 Notwithstanding section 123.187 and any other provision of
22 this chapter to the contrary, a wine direct shipper's permit
23 shall automatically renew without approval by the ~~administrator~~
24 director upon collection of the annual fee by the ~~division~~
25 department, provided all of the following conditions are met
26 since the preceding permit was issued:

27 Sec. 2399. Section 123.35, subsection 4, paragraph a, Code
28 2023, is amended to read as follows:

29 a. The permittee has given written consent to the ~~division~~
30 department to have the permit automatically renewed as provided
31 in this section.

32 Sec. 2400. Section 123.36, subsection 1, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

34 The following fees shall be paid to the ~~division~~ department
35 annually for retail alcohol licenses issued under section

1 123.30:

2 Sec. 2401. Section 123.36, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. The ~~division~~ department shall credit all fees to the beer
5 and liquor control fund. The ~~division~~ department shall remit
6 to the appropriate local authority a sum equal to sixty-five
7 percent of the fees collected for each class "B", class "C",
8 or class "F" license except special class "C" licenses or
9 class "E" licenses, covering premises located within the local
10 authority's jurisdiction. The ~~division~~ department shall remit
11 to the appropriate local authority a sum equal to seventy-five
12 percent of the fees collected for each special class "C"
13 license covering premises located within the local authority's
14 jurisdiction. Those fees collected for each class "E" retail
15 alcohol license shall be credited to the beer and liquor
16 control fund.

17 Sec. 2402. Section 123.37, subsections 2, 3, and 4, Code
18 2023, are amended to read as follows:

19 2. The ~~administrator~~ director may compromise and settle
20 doubtful and disputed claims for taxes imposed under
21 this chapter or for taxes of doubtful collectibility,
22 notwithstanding section 7D.9. The ~~administrator~~ director may
23 enter into informal settlements pursuant to section 17A.10 to
24 compromise and settle doubtful and disputed claims for taxes
25 imposed under this chapter. The ~~administrator~~ director may
26 make a claim under a licensee's or permittee's penal bond for
27 taxes of doubtful collectibility. Whenever a compromise or
28 settlement is made, the ~~administrator~~ director shall make a
29 complete record of the case showing the tax assessed, reports
30 and audits, if any, the licensee's or permittee's grounds for
31 dispute or contest, together with all evidence of the dispute
32 or contest, and the amounts, conditions, and settlement or
33 compromise of the dispute or contest.

34 3. A licensee or permittee who disputes the amount of tax
35 imposed must pay all tax and penalty pertaining to the disputed

1 tax liability prior to appealing the disputed tax liability to
2 the ~~administrator~~ director.

3 4. The ~~administrator~~ director shall adopt rules
4 establishing procedures for payment of disputed taxes imposed
5 under this chapter. If it is determined that the tax is not
6 due in whole or in part, the ~~division~~ department shall promptly
7 refund the part of the tax payment which is determined not to
8 be due.

9 Sec. 2403. Section 123.38, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. A retail alcohol license, wine permit, or beer permit
12 is a personal privilege and is revocable for cause. It is not
13 property nor is it subject to attachment and execution nor
14 alienable nor assignable, and it shall cease upon the death
15 of the permittee or licensee. However, the ~~administrator of~~
16 ~~the division~~ director may in the ~~administrator's~~ director's
17 discretion allow the executor or administrator of the estate of
18 a permittee or licensee to operate the business of the decedent
19 for a reasonable time not to exceed the expiration date of the
20 permit or license. Every permit or license shall be issued in
21 the name of the applicant and no person holding a permit or
22 license shall allow any other person to use it.

23 Sec. 2404. Section 123.38, subsection 2, paragraph a,
24 unnumbered paragraph 1, Code 2023, is amended to read as
25 follows:

26 Any licensee or permittee, or the executor or administrator
27 of the estate of a licensee or permittee, or any person duly
28 appointed by the court to take charge of and administer the
29 property or assets of the licensee or permittee for the benefit
30 of the licensee's or permittee's creditors, may voluntarily
31 surrender a license or permit to the ~~division~~ department. When
32 a license or permit is surrendered, the ~~division~~ department
33 shall notify the local authority, and the ~~division~~ department
34 or the local authority shall refund to the person surrendering
35 the license or permit, a proportionate amount of the fee

1 received by the ~~division~~ department or the local authority for
2 the license or permit as follows:

3 Sec. 2405. Section 123.38, subsection 2, paragraphs b and c,
4 Code 2023, are amended to read as follows:

5 b. For purposes of this subsection, any portion of license
6 or permit fees used for the purposes authorized in section
7 331.424, subsection 1, paragraph "a", subparagraphs (1) and
8 (2), shall not be deemed received either by the ~~division~~
9 department or by a local authority.

10 c. No refund shall be made to any licensee or permittee upon
11 the surrender of the license or permit if there is at the time
12 of surrender a complaint filed with the ~~division~~ department
13 or local authority charging the licensee or permittee with a
14 violation of this chapter.

15 Sec. 2406. Section 123.38, subsection 3, Code 2023, is
16 amended to read as follows:

17 3. The local authority may in its discretion authorize a
18 licensee or permittee to transfer the license or permit from
19 one location to another within the same incorporated city,
20 or within a county outside the corporate limits of a city,
21 provided that the premises to which the transfer is to be made
22 would have been eligible for a license or permit in the first
23 instance and such transfer will not result in the violation
24 of any law. All transfers authorized, and the particulars
25 of same, shall be reported to the ~~administrator~~ director
26 by the local authority. The ~~administrator~~ director may by
27 rule establish a uniform transfer fee to be assessed by all
28 local authorities upon licensees or permittees to cover the
29 administrative costs of such transfers, such fee to be retained
30 by the local authority involved.

31 Sec. 2407. Section 123.38A, Code 2023, is amended to read
32 as follows:

33 **123.38A Confidential investigative records.**

34 In order to assure a free flow of information for
35 accomplishing the purposes of section 123.4 and section

1 123.9, subsection 6, all complaint information, investigation
 2 files, audit files, and inspection files, other investigation
 3 reports, and other investigative information in the possession
 4 of the ~~division~~ department or employees acting under the
 5 authority of the ~~administrator~~ director under this chapter
 6 are privileged and confidential, and are not subject to
 7 discovery, subpoena, or other means of legal compulsion for
 8 their release before administrative or criminal charges are
 9 filed. However, investigative information in the possession
 10 of ~~division~~ department employees under this chapter may be
 11 disclosed to the licensing authorities of a city or county
 12 within this state, in another state, the District of Columbia,
 13 or territory or county in which the licensee or permittee is
 14 licensed or permitted or has applied for a license or permit.
 15 In addition, the investigative information can be shared with
 16 any law enforcement agency or other state agency that also
 17 has investigative, regulatory, or enforcement jurisdiction
 18 authorized by law. Records received by the ~~division~~ department
 19 for purposes of this chapter from other agencies which would
 20 be confidential if created by the ~~division~~ department are
 21 considered confidential.

22 Sec. 2408. Section 123.39, subsections 1 and 4, Code 2023,
 23 are amended to read as follows:

24 1. a. (1) The ~~administrator~~ director or the local
 25 authority may suspend a class "B", special class "B" native
 26 wine, class "C", special class "C", class "E", or class "F"
 27 retail alcohol license, or charity beer, spirits, and wine
 28 special event license for a period not to exceed one year,
 29 revoke the license, or impose a civil penalty not to exceed one
 30 thousand dollars per violation.

31 (2) The ~~administrator~~ director may suspend a certificate
 32 of compliance, a class "D" retail alcohol license, a
 33 manufacturer's license, a broker's permit, a class "A" native
 34 distilled spirits license, a class "A" or special class "A"
 35 beer permit, a class "A" wine permit, a wine direct shipper's

1 permit, or a wine carrier permit for a period not to exceed one
2 year, revoke the license, permit, or certificate, or impose a
3 civil penalty not to exceed one thousand dollars per violation.

4 *b.* A license, permit, or certificate of compliance issued
5 under this chapter may be suspended or revoked, or a civil
6 penalty may be imposed for any of the following causes:

7 (1) Misrepresentation of any material fact in the
8 application for the license, permit, or certificate.

9 (2) Violation of any of the provisions of this chapter.

10 (3) Any change in the ownership or interest in the business
11 operated under a retail alcohol license which change was not
12 previously reported in a manner prescribed by the ~~administrator~~
13 director within thirty days of the change and subsequently
14 approved by the local authority, when applicable, and the
15 ~~division~~ department.

16 (4) An event which would have resulted in disqualification
17 from receiving the license, permit, or certificate when
18 originally issued.

19 (5) Any sale, hypothecation, or transfer of the license,
20 permit, or certificate.

21 (6) The failure or refusal on the part of any license,
22 permit, or certificate holder to render any report or remit any
23 taxes to the ~~division~~ department under this chapter when due.

24 *c.* A criminal conviction is not a prerequisite to
25 suspension, revocation, or imposition of a civil penalty
26 pursuant to this section.

27 *d.* A local authority which acts pursuant to this section,
28 section 123.32, or section 123.50 shall notify the ~~division~~
29 department in writing of the action taken, and shall notify the
30 license or permit holder of the right to appeal a suspension,
31 revocation, or imposition of a civil penalty to the ~~division~~
32 department.

33 *e.* Before suspension, revocation, or imposition of a civil
34 penalty by the ~~administrator~~ director, the license, permit,
35 or certificate holder shall be given written notice and an

1 opportunity for a hearing. The ~~administrator~~ director may
 2 appoint a member of the ~~division~~ department or may request an
 3 administrative law judge from the department of inspections
 4 and appeals to conduct the hearing and issue a proposed
 5 decision. Upon the motion of a party to the hearing or upon
 6 the ~~administrator's~~ director's own motion, the ~~administrator~~
 7 director may review the proposed decision in accordance
 8 with chapter 17A. Upon review of the proposed decision, the
 9 ~~administrator~~ director may affirm, reverse, or modify the
 10 proposed decision. A license, permit, or certificate holder
 11 aggrieved by a decision of the ~~administrator~~ director may seek
 12 judicial review of the ~~administrator's~~ director's decision in
 13 accordance with chapter 17A.

14 *f.* Civil penalties imposed and collected by the local
 15 authority under this section shall be retained by the local
 16 authority. Civil penalties imposed and collected by the
 17 ~~division~~ department under this section shall be credited to
 18 the general fund of the state pursuant to section 123.17,
 19 subsection 9.

20 4. If the cause for suspension is a first offense
 21 violation of section 123.49, subsection 2, paragraph "h",
 22 the ~~administrator~~ director or local authority shall impose a
 23 civil penalty in the amount of five hundred dollars in lieu of
 24 suspension of the license or permit.

25 Sec. 2409. Section 123.41, subsections 1, 2, 3, and 4, Code
 26 2023, are amended to read as follows:

27 1. Each completed application to obtain or renew a
 28 manufacturer's license shall be submitted to the ~~division~~
 29 department electronically, or in a manner prescribed by the
 30 ~~administrator~~ director, and shall be accompanied by a fee of
 31 three hundred dollars payable to the ~~division~~ department. The
 32 ~~administrator~~ director may in accordance with this chapter
 33 grant and issue to a manufacturer a manufacturer's license,
 34 valid for a one-year period after date of issuance, which shall
 35 allow the manufacture, storage, and wholesale disposition and

1 sale of alcoholic liquors to the ~~division~~ department and to
2 customers outside of the state.

3 2. As a condition precedent to the approval and granting
4 of a manufacturer's license, an applicant shall file with the
5 ~~division~~ department a basic permit issued by the alcohol and
6 tobacco tax and trade bureau of the United States department
7 of the treasury, and a statement under oath that the applicant
8 will faithfully observe and comply with all laws, rules, and
9 regulations governing the manufacture and sale of alcoholic
10 liquor.

11 3. A person who holds an experimental distilled spirits
12 plant permit or its equivalent issued by the alcohol and
13 tobacco tax and trade bureau of the United States department
14 of the treasury may produce alcohol for use as fuel without
15 obtaining a manufacturer's license from the ~~division~~
16 department.

17 4. A person who holds a manufacturer's license shall file
18 with the ~~division~~ department, on or before the fifteenth day of
19 each calendar month, all documents filed by the manufacturer
20 with the alcohol and tobacco tax and trade bureau of the United
21 States department of the treasury, including all production,
22 storage, and processing reports.

23 Sec. 2410. Section 123.42, subsections 1 and 2, Code 2023,
24 are amended to read as follows:

25 1. Prior to representing or promoting alcoholic liquor
26 products in the state, the broker shall submit a completed
27 application to the ~~division~~ department electronically, or in a
28 manner prescribed by the ~~administrator~~ director, for a broker's
29 permit. The ~~administrator~~ director may in accordance with this
30 chapter issue a broker's permit which shall be valid for one
31 year from the date of issuance unless it is sooner suspended or
32 revoked for a violation of this chapter.

33 2. At the time of applying for a broker's permit, each
34 applicant shall submit to the ~~division~~ department a list of
35 names and addresses of all manufacturers, distillers, and

1 importers whom the applicant has been appointed to represent
2 in the state of Iowa for any purpose. The listing shall be
3 amended by the broker as necessary to keep the listing current
4 with the ~~division~~ department.

5 Sec. 2411. Section 123.43, subsection 1, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 A person applying for a class "A" native distilled spirits
8 license shall submit an application electronically, or in a
9 manner prescribed by the ~~administrator~~ director, which shall
10 set forth under oath the following:

11 Sec. 2412. Section 123.43, subsection 1, paragraphs e and g,
12 Code 2023, are amended to read as follows:

13 e. When required by the ~~administrator~~ director, and in
14 such form and containing such information as the ~~administrator~~
15 director may require, a description of the premises where the
16 applicant intends to use the license, to include a sketch or
17 drawing of the premises and, if applicable, the number of
18 square feet of interior floor space which comprises the retail
19 sales area of the premises.

20 g. Any other information as required by the ~~administrator~~
21 director.

22 Sec. 2413. Section 123.43, subsection 2, unnumbered
23 paragraph 1, Code 2023, is amended to read as follows:

24 Except as otherwise provided in this chapter, the
25 ~~administrator~~ director shall issue a class "A" native distilled
26 spirits license to any applicant who establishes all of the
27 following:

28 Sec. 2414. Section 123.43, subsection 2, paragraph d, Code
29 2023, is amended to read as follows:

30 d. That the applicant has filed with the ~~division~~ department
31 a basic permit issued by the alcohol and tobacco tax and trade
32 bureau of the United States department of the treasury, and
33 that the applicant will faithfully observe and comply with all
34 laws, rules, and regulations governing the manufacture and sale
35 of alcoholic liquor.

1 Sec. 2415. Section 123.43A, subsections 1, 3, 4, and 5, Code
2 2023, are amended to read as follows:

3 1. Subject to rules of the ~~division~~ department, a native
4 distillery holding a class "A" native distilled spirits license
5 issued pursuant to section 123.43 may sell or offer for sale
6 native distilled spirits. As provided in this section, sales
7 of native distilled spirits manufactured on the premises may
8 be made at retail for off-premises consumption when sold on
9 the premises of the native distillery that manufactures native
10 distilled spirits. All sales intended for resale in this
11 state shall be made through the state's wholesale distribution
12 system.

13 3. A native distillery shall not sell native distilled
14 spirits other than as permitted in this chapter and shall
15 not allow native distilled spirits sold for consumption off
16 the premises to be consumed upon the premises of the native
17 distillery. However, native distilled spirits may be tasted
18 pursuant to the rules of the ~~division~~ department on the
19 premises where fermented, distilled, or matured, when no charge
20 is made for the tasting.

21 4. The sale of native distilled spirits to the ~~division~~
22 department for wholesale disposition and sale by the ~~division~~
23 department shall be subject to the requirements of this chapter
24 regarding such disposition and sale.

25 5. A native distillery issued a class "A" native distilled
26 spirits license shall file with the ~~division~~ department, on or
27 before the fifteenth day of each calendar month, all documents
28 filed by the native distillery with the alcohol and tobacco
29 tax and trade bureau of the United States department of the
30 treasury, including all production, storage, and processing
31 reports.

32 Sec. 2416. Section 123.44, Code 2023, is amended to read as
33 follows:

34 **123.44 Gifts prohibited.**

35 A manufacturer or broker shall not give away alcoholic

1 liquor at any time in connection with the manufacturer's or
2 broker's business except for testing or sampling purposes only.
3 A manufacturer, distiller, vintner, brewer, broker, wholesaler,
4 or importer, organized as a corporation pursuant to the laws of
5 this state or any other state, who deals in alcoholic beverages
6 subject to regulation under this chapter shall not offer or
7 give anything of value to a commission member, official or
8 employee of the ~~division~~ department under this chapter, or
9 directly or indirectly contribute in any manner any money or
10 thing of value to a person seeking a public or appointive
11 office or a recognized political party or a group of persons
12 seeking to become a recognized political party.

13 Sec. 2417. Section 123.46A, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. Licensees authorized to sell wine, beer, or mixed drinks
16 or cocktails for consumption off the licensed premises in a
17 container other than the original container may deliver the
18 wine, beer, or mixed drinks or cocktails to a home or other
19 designated location in this state only if the container other
20 than the original container has been sold and securely sealed
21 in compliance with this chapter or the rules of the ~~division~~
22 department. Deliveries shall be limited to alcoholic beverages
23 authorized by the licensee's license or permit.

24 Sec. 2418. Section 123.46A, subsection 3, paragraph g, Code
25 2023, is amended to read as follows:

26 g. Delivery of alcoholic liquor, wine, beer, or mixed drinks
27 or cocktails shall be made by the licensee, the licensee's
28 employee, or a third party, provided the licensee has entered
29 into a written agreement with the third party that authorizes
30 the third party to act as an agent of the licensee for the
31 purpose of delivering alcoholic liquor, wine, beer, or mixed
32 drinks or cocktails. Each licensee shall submit to the
33 ~~division~~ department electronically, or in a manner prescribed
34 by the ~~administrator~~ director, a list of names and addresses of
35 all third parties it has authorized to act as its agent for the

1 purpose of delivering alcoholic liquor, wine, beer, or mixed
2 drinks or cocktails. The licensee shall provide the ~~division~~
3 department with amendments to the list as necessary to ensure
4 the ~~division~~ department possesses an accurate, current list.

5 Sec. 2419. Section 123.49, subsection 2, paragraph d,
6 subparagraphs (1), (2), and (3), Code 2023, are amended to read
7 as follows:

8 (1) Keep on premises covered by a retail alcohol license any
9 alcoholic liquor in any container except the original package
10 purchased from the ~~division~~ department, and except mixed drinks
11 or cocktails mixed on the premises for immediate consumption
12 on the licensed premises or as otherwise provided by this
13 paragraph "d". This prohibition does not apply to holders
14 of a class "D" retail alcohol license or to alcoholic liquor
15 delivered in accordance with section 123.46A.

16 (2) Mixed drinks or cocktails mixed on the premises that are
17 not for immediate consumption may be consumed on the licensed
18 premises subject to the requirements of this subparagraph
19 pursuant to rules adopted by the ~~division~~ department. The
20 rules shall provide that the mixed drinks or cocktails be
21 stored, for no longer than seventy-two hours, in a labeled
22 container in a quantity that does not exceed three gallons.
23 The rules shall also provide that added flavors and other
24 nonbeverage ingredients included in the mixed drinks or
25 cocktails shall not include hallucinogenic substances or added
26 caffeine or other added stimulants including but not limited to
27 guarana, ginseng, and taurine. The rules shall also require
28 that the licensee keep records as to when the contents in
29 a particular container were mixed and the recipe used for
30 that mixture. In addition, mixed drinks or cocktails mixed
31 on the premises pursuant to this subparagraph may be sold
32 for consumption off the licensed premises as provided in and
33 subject to the requirements of subparagraph (3).

34 (3) Mixed drinks or cocktails mixed on premises covered
35 by a class "C" retail alcohol license for consumption off the

1 licensed premises may be sold if the mixed drink or cocktail is
2 immediately filled in a sealed container and is promptly taken
3 from the licensed premises prior to consumption of the mixed
4 drink or cocktail. A mixed drink or cocktail that is sold in a
5 sealed container in compliance with the requirements of this
6 subparagraph and rules adopted by the ~~division~~ department shall
7 not be deemed an open container subject to the requirements
8 of sections 321.284 and 321.284A if the sealed container is
9 unopened and the seal has not been tampered with, and the
10 contents of the container have not been partially removed.

11 Sec. 2420. Section 123.50, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. The conviction of any retail alcohol licensee for a
14 violation of any of the provisions of section 123.49, subject
15 to subsection 3 of this section, is grounds for the suspension
16 or revocation of the license or permit by the ~~division~~
17 department or the local authority. However, if any retail
18 alcohol licensee is convicted of any violation of section
19 123.49, subsection 2, paragraph "a" or "e", or any retail
20 alcohol licensee, excluding a special class "B" or class "D"
21 retail alcohol licensee, is convicted of a violation of section
22 123.49, subsection 2, paragraph "d", the retail alcohol license
23 shall be revoked and shall immediately be surrendered by the
24 holder, and the bond, if any, of the license holder shall be
25 forfeited to the ~~division~~ department. However, the ~~division~~
26 department shall retain only that portion of the bond equal
27 to the amount the ~~division~~ department determines the license
28 holder owes the ~~division~~ department.

29 Sec. 2421. Section 123.50, subsection 3, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 If any retail alcohol licensee or employee of a licensee is
32 convicted or found in violation of section 123.49, subsection
33 2, paragraph "h", the ~~administrator~~ director or local authority
34 shall, in addition to criminal penalties fixed for violations
35 by this section, assess a civil penalty as follows:

1 Sec. 2422. Section 123.50, subsection 4, Code 2023, is
2 amended to read as follows:

3 4. In addition to any other penalties imposed under this
4 chapter, the ~~division~~ department shall assess a civil penalty
5 up to the amount of five thousand dollars upon a class "E"
6 retail alcohol licensee when the class "E" retail alcohol
7 license is revoked for a violation of section 123.59. Failure
8 to pay the civil penalty as required under this subsection
9 shall result in forfeiture of the bond to the ~~division~~
10 department. However, the ~~division~~ department shall retain
11 only that portion of the bond equal to the amount the ~~division~~
12 department determines the license or permit holder owes the
13 ~~division~~ department.

14 Sec. 2423. Section 123.50A, subsections 1, 2, and 4, Code
15 2023, are amended to read as follows:

16 1. If sufficient funding is appropriated, the ~~division~~
17 department shall develop an alcohol compliance employee
18 training program, not to exceed two hours in length for
19 employees and prospective employees of licensees and
20 permittees, to inform the employees about state laws and
21 regulations regarding the sale of alcoholic beverages to
22 persons under legal age, and compliance with and the importance
23 of laws regarding the sale of alcoholic beverages to persons
24 under legal age. In developing the alcohol compliance employee
25 training program, the ~~division~~ department may consult with
26 stakeholders who have expertise in the laws and regulations
27 regarding the sale of alcoholic beverages to persons under
28 legal age.

29 2. The alcohol compliance employee training program shall
30 be made available to employees and prospective employees
31 of licensees and permittees at no cost to the employee,
32 the prospective employee, or the licensee or permittee, and
33 in a manner which is as convenient and accessible to the
34 extent practicable throughout the state so as to encourage
35 attendance. Contingent upon the availability of specified

1 funds for provision of the program, the ~~division~~ department
2 shall schedule the program on at least a monthly basis and the
3 program shall be available at a location in at least a majority
4 of counties.

5 4. The ~~division~~ department shall also offer periodic
6 continuing employee training and recertification for employees
7 who have completed initial training and received an initial
8 certificate of completion as part of the alcohol compliance
9 employee training program.

10 Sec. 2424. Section 123.56, subsections 3 and 4, Code 2023,
11 are amended to read as follows:

12 3. Upon filing a suit in equity in district court pursuant
13 to subsection 2, the county attorney or city attorney shall
14 notify the ~~administrator~~ director of the action. Upon
15 receiving notice, the ~~administrator~~ director shall issue an
16 order reducing the hours during which alcoholic beverages may
17 be sold or consumed at retail on the licensed premises to
18 between 6:00 a.m. and 10:00 p.m. each day of the week during
19 the pendency of the action in equity. The county attorney or
20 city attorney shall notify the ~~administrator~~ director of any
21 final action or judgment entered resulting from the action.

22 4. In an action seeking abatement of a public safety
23 nuisance as provided in this section, evidence of other
24 current violations of this chapter may be received by the
25 court and considered in determining the remedial provisions
26 of any abatement order. In addition, evidence of prior
27 sanctions, violations of law, nuisance behavior, or general
28 reputation relating to the licensed premises may be admissible
29 in determining the reasonableness of remedial provisions of an
30 abatement order. However, evidence of a prior conviction of
31 the licensee, managers, employees, or contemporaneous patrons
32 and guests is not necessary for purposes of considering or
33 issuing an abatement order under this section. In an action
34 under this section, the ~~administrator~~ director may submit
35 to the court a report as evidence on behalf of the ~~division~~

1 department regarding the compliance history of the licensee or
2 permittee for consideration by the court.

3 Sec. 2425. Section 123.57, Code 2023, is amended to read as
4 follows:

5 **123.57 Examination of accounts.**

6 The financial condition and transactions of all offices,
7 departments, warehouses, and depots ~~of~~ concerning the division
8 alcohol beverage control activities of the department shall be
9 examined at least once each year by the state auditor and at
10 shorter periods if requested by the ~~administrator~~ director,
11 governor, commission, or the general assembly's standing
12 committees on government oversight.

13 Sec. 2426. Section 123.58, Code 2023, is amended to read as
14 follows:

15 **123.58 Auditing.**

16 All provisions of sections 11.6, 11.11, 11.14, 11.21,
17 11.31, and 11.41, relating to auditing of financial records
18 of governmental subdivisions which are not inconsistent with
19 this chapter are applicable to the ~~division~~ department and its
20 offices, warehouses, and depots under this chapter.

21 Sec. 2427. Section 123.92, subsection 1, paragraph a, Code
22 2023, is amended to read as follows:

23 a. Subject to the limitation amount specified in paragraph
24 "c", if applicable, any third party who is not the intoxicated
25 person who caused the injury at issue and who is injured in
26 person or property or means of support by an intoxicated person
27 or resulting from the intoxication of a person, has a right of
28 action for damages actually sustained, severally or jointly
29 against any licensee or permittee, whether or not the license
30 or permit was issued by the ~~division~~ department or by the
31 licensing authority of any other state, who sold and served any
32 alcoholic beverage directly to the intoxicated person, provided
33 that the person was visibly intoxicated at the time of the sale
34 or service.

35 Sec. 2428. Section 123.92, subsection 2, paragraphs a and c,

1 Code 2023, are amended to read as follows:

2 a. Every retail alcohol licensee, except a class "B",
3 special class "B", or class "E" retail alcohol licensee, shall
4 furnish proof of financial responsibility by the existence of
5 a liability insurance policy in an amount determined by the
6 ~~division~~ department. If an insurer provides dramshop liability
7 insurance at a new location to a licensee or permittee who has
8 a positive loss experience at other locations for which such
9 insurance is provided by the insurer, and the insurer bases
10 premium rates at the new location on the negative loss history
11 of the previous licensee at that location, the insurer shall
12 examine and consider adjusting the premium for the new location
13 not less than thirty months after the insurance is issued,
14 based on the loss experience of the licensee at that location
15 during that thirty-month period of time.

16 c. The purpose of dramshop liability insurance is to provide
17 protection for members of the public who experience damages as
18 a result of licensees serving patrons any alcoholic beverage
19 to a point that reaches or exceeds the standard set forth in
20 law for liability. Minimum coverage requirements for such
21 insurance are not for the purpose of making the insurance
22 affordable for all licensees regardless of claims experience.
23 A dramshop liability insurance policy obtained by a licensee
24 shall meet the minimum insurance coverage requirements as
25 determined by the ~~division~~ department and is a mandatory
26 condition for holding a license.

27 Sec. 2429. Section 123.95, subsection 2, paragraph a, Code
28 2023, is amended to read as follows:

29 a. The holder of an annual class "C" retail alcohol license
30 may act as the agent of a private social host for the purpose
31 of providing and serving alcoholic beverages as part of a food
32 catering service for a private social gathering in a private
33 place, provided the licensee has applied for and been granted a
34 catering privilege by the ~~division~~ department. The holder of
35 an annual special class "C" retail alcohol license shall not

1 act as the agent of a private social host for the purpose of
2 providing and serving wine and beer as part of a food catering
3 service for a private social gathering in a private place. An
4 applicant for a class "C" retail alcohol license shall state
5 on the application for the license that the licensee intends
6 to engage in catering food and alcoholic beverages for private
7 social gatherings and the catering privilege shall be noted on
8 the license.

9 Sec. 2430. Section 123.125, Code 2023, is amended to read
10 as follows:

11 **123.125 Issuance of beer permits.**

12 The ~~administrator~~ director shall issue class "A" and special
13 class "A" beer permits and may suspend or revoke permits for
14 cause as provided in this chapter.

15 Sec. 2431. Section 123.126A, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. Notwithstanding any provision of this chapter to the
18 contrary, a manufacturer of beer may obtain and possess
19 alcoholic liquor from the ~~division~~ department for the purpose
20 of manufacturing canned cocktails.

21 Sec. 2432. Section 123.127, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 A person applying for a class "A" or special class "A" beer
24 permit shall submit a completed application electronically, or
25 in a manner prescribed by the ~~administrator~~ director, which
26 shall set forth under oath the following:

27 Sec. 2433. Section 123.127, subsection 1, paragraphs e and
28 g, Code 2023, are amended to read as follows:

29 e. When required by the ~~administrator~~ director, and in
30 such form and containing such information as the ~~administrator~~
31 director may require, a description of the premises where
32 the applicant intends to use the permit, to include a sketch
33 or drawing of the premises and, if applicable, the number of
34 square feet of interior floor space which comprises the retail
35 sales area of the premises.

1 *g.* Any other information as required by the ~~administrator~~
2 director.

3 Sec. 2434. Section 123.127, subsection 2, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:

5 The ~~administrator~~ director shall issue a class "A" or
6 special class "A" beer permit to any applicant who establishes
7 all of the following:

8 Sec. 2435. Section 123.127, subsection 2, paragraphs d and
9 *g*, Code 2023, are amended to read as follows:

10 *d.* That the applicant has filed with the ~~division~~ department
11 a basic permit issued by the alcohol and tobacco tax and trade
12 bureau of the United States department of the treasury, and
13 that the applicant will faithfully observe and comply with all
14 laws, rules, and regulations governing the manufacture and sale
15 of beer.

16 *g.* That the applicant has submitted a bond in the amount
17 of ten thousand dollars in a manner prescribed by the
18 ~~administrator~~ director with good and sufficient sureties to be
19 approved by the ~~division~~ department conditioned upon compliance
20 with this chapter.

21 Sec. 2436. Section 123.130, subsection 1, paragraph a, Code
22 2023, is amended to read as follows:

23 *a.* Any person holding a class "A" beer permit issued by
24 the ~~division~~ department shall be authorized to manufacture
25 and sell, or sell at wholesale, beer for consumption off the
26 premises, such sales within the state to be made only to
27 persons holding a subsisting class "A" beer permit, or retail
28 alcohol licenses, excluding a special class "B" retail native
29 wine license, issued in accordance with the provisions of this
30 chapter. However, a person holding a class "A" beer permit
31 issued by the ~~division~~ department who also holds a brewer's
32 notice issued by the alcohol and tobacco tax and trade bureau
33 of the United States department of the treasury shall be
34 authorized to sell, at wholesale, no more than thirty thousand
35 barrels of beer on an annual basis for consumption off the

1 premises to a licensee authorized under this chapter to sell
2 beer at retail.

3 Sec. 2437. Section 123.130, subsection 5, Code 2023, is
4 amended to read as follows:

5 5. A manufacturer of beer issued a class "A" or special
6 class "A" beer permit shall file with the ~~division~~ department,
7 on or before the fifteenth day of each calendar month, all
8 documents filed with the alcohol and tobacco tax and trade
9 bureau of the United States department of the treasury,
10 including all brewer's operation and excise tax return reports.

11 Sec. 2438. Section 123.135, subsections 1, 2, and 3, Code
12 2023, are amended to read as follows:

13 1. A manufacturer, brewer, bottler, importer, or vendor of
14 beer, or any agent thereof, desiring to ship or sell beer, or
15 have beer brought into this state for resale by a class "A"
16 beer permittee, shall first make application for and be issued
17 a brewer's certificate of compliance by the ~~administrator~~
18 director for that purpose. The certificate of compliance
19 expires at the end of one year from the date of issuance and
20 shall be renewed for a like period upon application to the
21 ~~administrator~~ director unless otherwise revoked for cause.
22 Each completed application for a certificate of compliance or
23 renewal of a certificate shall be submitted electronically,
24 or in a manner prescribed by the ~~administrator~~ director, and
25 shall be accompanied by a fee of two hundred dollars payable
26 to the ~~division~~ department. Each holder of a certificate
27 of compliance shall furnish the information in a manner the
28 ~~administrator~~ director requires.

29 2. At the time of applying for a certificate of compliance,
30 each applicant shall file with the ~~division~~ department a list
31 of all class "A" beer permittees with whom it intends to do
32 business and shall designate the geographic area in which its
33 products are to be distributed by such permittee. The listing
34 of class "A" beer permittees and geographic area as filed with
35 the ~~division~~ department shall be amended by the holder of a

1 certificate of compliance as necessary to keep the listing
2 current with the ~~division~~ department.

3 3. All class "A" beer permit holders shall sell only
4 those brands of beer which are manufactured, brewed,
5 bottled, shipped, or imported by a person holding a current
6 certificate of compliance. Any employee or agent working for
7 or representing the holder of a certificate of compliance
8 within this state shall submit electronically, or in a manner
9 prescribed by the ~~administrator~~ director, the employee's or
10 agent's name and address with the ~~division~~ department.

11 Sec. 2439. Section 123.137, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. A person holding a class "A" or special class "A" beer
14 permit shall, on or before the tenth day of each calendar month
15 commencing on the tenth day of the calendar month following
16 the month in which the person is issued a beer permit, make a
17 report under oath to the ~~division~~ department electronically, or
18 in a manner prescribed by the ~~administrator~~ director, showing
19 the exact number of barrels of beer, or fractional parts of
20 barrels, sold by the beer permit holder during the preceding
21 calendar month. The report shall also state information the
22 ~~administrator~~ director requires, and beer permit holders shall
23 at the time of filing a report pay to the ~~division~~ department
24 the amount of tax due at the rate fixed in section 123.136.

25 Sec. 2440. Section 123.138, Code 2023, is amended to read
26 as follows:

27 **123.138 Records required — keg identification label.**

28 1. Each class "A" or special class "A" beer permittee shall
29 keep proper records showing the amount of beer sold by the
30 permittee, and these records shall be at all times open to
31 inspection by the ~~administrator~~ director and to other persons
32 pursuant to section 123.30, subsection 1. Each retail alcohol
33 licensee as described in section 123.30 shall keep proper
34 records showing each purchase of beer made by the licensee, and
35 the date and the amount of each purchase and the name of the

1 person from whom each purchase was made, which records shall be
2 open to inspection pursuant to section 123.30, subsection 1,
3 during normal business hours of the licensee.

4 2. *a.* Each retail alcohol licensee who sells beer for
5 off-premises consumption shall affix to each keg of beer an
6 identification label provided by the ~~administrator~~ director.
7 The label provided shall allow for its full removal when
8 common external keg cleaning procedures are performed. For
9 the purposes of this subsection, "keg" means all durable and
10 disposable containers with a liquid capacity of five gallons or
11 more. Each retail alcohol licensee shall also keep a record
12 of the identification label number of each keg of beer sold by
13 the licensee with the name and address of the purchaser and
14 the number of the purchaser's driver's license, nonoperator's
15 identification card, or military identification card, if
16 the military identification card contains a picture and
17 signature. This information shall be retained by the licensee
18 for a minimum of ninety days. The records kept pursuant to
19 this subsection shall be available for inspection by any law
20 enforcement officer during normal business hours.

21 *b.* (1) The ~~division~~ department shall provide the keg
22 identification labels described in paragraph "a" and shall,
23 prior to utilizing a label, notify licensed brewers and
24 licensed beer importers of the type of label to be utilized.
25 Each label shall contain a number and the following statement:
26 It is unlawful to sell, give, or otherwise supply any
27 alcoholic beverage, wine, or beer to any person under legal
28 age. Any person who defaces this label shall be guilty of
29 criminal mischief punishable pursuant to section 716.6.

30 (2) The identification label shall be placed on the keg at
31 the time of retail sale. The licensee shall obtain the labels
32 referred to in this subsection from the ~~division~~ department.
33 The cost of the labels to licensees shall not exceed the
34 ~~division's~~ department's cost of producing and distributing
35 the labels. The moneys collected by the ~~division~~ department

1 relating to the sale of labels shall be credited to the beer
2 and liquor control fund.

3 c. The provisions of this subsection shall be implemented
4 uniformly throughout the state. The provisions of this
5 subsection shall preempt any local county or municipal
6 ordinance regarding keg registration or the sale of beer in
7 kegs. In addition, a county or municipality shall not adopt or
8 continue in effect an ordinance regarding keg registration or
9 the sale of beer in kegs.

10 Sec. 2441. Section 123.143, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. All permit fees collected by the ~~division~~ department
13 under this subchapter shall accrue to the beer and liquor
14 control fund, except as otherwise provided. All taxes
15 collected by the ~~division~~ department under this subchapter
16 shall accrue to the state general fund, except as otherwise
17 provided.

18 Sec. 2442. Section 123.173, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. A class "A" wine permittee shall be required to deliver
21 wine to a retail alcohol licensee, and a retail alcohol
22 licensee shall be required to accept delivery of wine from a
23 class "A" wine permittee, only at the licensed premises of the
24 retail alcohol licensee. Except as specifically permitted by
25 the ~~division~~ department upon good cause shown, delivery or
26 transfer of wine from an unlicensed premises to a licensed
27 retail alcohol licensee's premises, or from one licensed retail
28 alcohol licensee's premises to another licensed retail alcohol
29 licensee's premises, even if there is common ownership of all
30 of the premises by one retail permittee, is prohibited.

31 Sec. 2443. Section 123.173A, subsection 2, Code 2023, is
32 amended to read as follows:

33 2. Upon application to the ~~division~~ department and receipt
34 of a charity beer, spirits, and wine special event license, an
35 authorized nonprofit entity may conduct a charity special event

1 subject to the requirements of this section.

2 Sec. 2444. Section 123.173A, subsection 4, paragraph a,
3 Code 2023, is amended to read as follows:

4 a. The charity event shall be conducted on a premises
5 covered by a valid retail alcohol license issued by the
6 ~~division~~ department.

7 Sec. 2445. Section 123.173A, subsection 5, paragraph b,
8 Code 2023, is amended to read as follows:

9 b. The retail alcohol license number issued by the ~~division~~
10 department for the premises where a charity event is to be
11 conducted, if applicable.

12 Sec. 2446. Section 123.174, Code 2023, is amended to read
13 as follows:

14 **123.174 Issuance of wine permits.**

15 The ~~administrator~~ director shall issue wine permits as
16 provided in this chapter, and may suspend or revoke a wine
17 permit for cause as provided in this chapter.

18 Sec. 2447. Section 123.175, subsection 1, unnumbered
19 paragraph 1, Code 2023, is amended to read as follows:

20 A person applying for a class "A" wine permit shall submit a
21 completed application electronically, or in a manner prescribed
22 by the ~~administrator~~ director, which shall set forth under oath
23 the following:

24 Sec. 2448. Section 123.175, subsection 1, paragraphs e and
25 g, Code 2023, are amended to read as follows:

26 e. When required by the ~~administrator~~ director, and in
27 such form and containing such information as the ~~administrator~~
28 director may require, a description of the premises where the
29 applicant intends to use the permit, to include a sketch or
30 drawing of the premises.

31 g. Any other information as required by the ~~administrator~~
32 director.

33 Sec. 2449. Section 123.175, subsection 2, unnumbered
34 paragraph 1, Code 2023, is amended to read as follows:

35 The ~~administrator~~ director shall issue a class "A" wine

1 permit to any applicant who establishes all of the following:

2 Sec. 2450. Section 123.175, subsection 2, paragraphs d and
3 g, Code 2023, are amended to read as follows:

4 d. That the applicant has filed with the ~~division~~ department
5 a basic permit issued by the alcohol and tobacco tax and trade
6 bureau of the United States department of the treasury, and
7 that the applicant will faithfully observe and comply with all
8 the laws, rules, and regulations governing the manufacture and
9 sale of wine.

10 g. That the applicant has submitted a bond in the amount
11 of five thousand dollars in a manner prescribed by the
12 ~~administrator~~ director with good and sufficient sureties to be
13 approved by the ~~division~~ department conditioned upon compliance
14 with this chapter.

15 Sec. 2451. Section 123.176, subsections 1, 2, 7, and 8, Code
16 2023, are amended to read as follows:

17 1. Subject to rules of the ~~division~~ department,
18 manufacturers of native wines from grapes, cherries, other
19 fruits or other fruit juices, vegetables, vegetable juices,
20 dandelions, clover, honey, or any combination of these
21 ingredients, holding a class "A" wine permit as required by
22 this chapter, may sell, keep, or offer for sale and deliver the
23 wine. Notwithstanding section 123.24, subsection 2, paragraph
24 "b", or any other provision of this chapter, manufacturers
25 of native wine may obtain and possess grape brandy from the
26 ~~division~~ department for the sole purpose of manufacturing wine.

27 2. Native wine may be sold at retail for off-premises
28 consumption when sold on the premises of the manufacturer, or
29 in a retail establishment operated by the manufacturer. Sales
30 may also be made to class "A" or retail alcohol licensees as
31 authorized by sections 123.30 and 123.177. A manufacturer of
32 native wines shall not sell the wines other than as permitted
33 in this chapter and shall not allow wine sold to be consumed
34 upon the premises of the manufacturer. However, prior to
35 sale, native wines may be tasted pursuant to the rules of the

1 ~~division~~ department on the premises where made, when no charge
2 is made for the tasting.

3 7. A manufacturer may use the space and equipment of another
4 manufacturer for the purpose of manufacturing native wine,
5 provided that such an alternating proprietorship arrangement
6 is approved by the alcohol and tobacco tax and trade bureau
7 of the United States department of the treasury. A separate
8 class "A" wine permit shall be issued to each manufacturer,
9 and each manufacturer shall be subject to the provisions
10 of this chapter and the rules of the ~~division~~ department.
11 Notwithstanding subsection 5, not more than one class "C"
12 retail alcohol license shall be issued to a premises with
13 alternating proprietorships.

14 8. A manufacturer of native wines shall file with the
15 ~~division~~ department, on or before the fifteenth day of each
16 calendar month, all documents filed with the alcohol and
17 tobacco tax and trade bureau of the United States department of
18 the treasury, including all wine premises operations and excise
19 tax return reports.

20 Sec. 2452. Section 123.180, subsections 1, 2, and 3, Code
21 2023, are amended to read as follows:

22 1. A manufacturer, vintner, bottler, importer, or vendor of
23 wine, or an agent thereof, desiring to ship, sell, or have wine
24 brought into this state for sale at wholesale by a class "A"
25 permittee shall first make application for and shall be issued
26 a vintner's certificate of compliance by the ~~administrator~~
27 director for that purpose. The vintner's certificate of
28 compliance shall expire at the end of one year from the
29 date of issuance and shall be renewed for a like period upon
30 application to the ~~administrator~~ director unless otherwise
31 revoked for cause. Each completed application for a vintner's
32 certificate of compliance or renewal of a certificate shall
33 be submitted electronically, or in a manner prescribed by the
34 ~~administrator~~ director, and shall be accompanied by a fee of
35 two hundred dollars payable to the ~~division~~ department. Each

1 holder of a vintner's certificate of compliance shall furnish
2 the information required by the ~~administrator~~ director in the
3 form the ~~administrator~~ director requires. A vintner or wine
4 bottler whose plant is located in Iowa and who otherwise holds
5 a class "A" wine permit to sell wine at wholesale is exempt
6 from the fee, but not the other terms and conditions. The
7 holder of a vintner's certificate of compliance may also hold a
8 class "A" wine permit.

9 2. At the time of applying for a vintner's certificate
10 of compliance, each applicant shall file with the ~~division~~
11 department a list of all class "A" wine permittees with
12 whom it intends to do business. The listing of class "A"
13 wine permittees as filed with the ~~division~~ department shall
14 be amended by the holder of the certificate of compliance
15 as necessary to keep the listing current with the ~~division~~
16 department.

17 3. All class "A" wine permit holders shall sell only those
18 brands of wine which are manufactured, bottled, fermented,
19 shipped, or imported by a person holding a current vintner's
20 certificate of compliance. An employee or agent working for
21 or representing the holder of a vintner's certificate of
22 compliance within this state shall register the employee's
23 or agent's name and address with the ~~division~~ department.
24 These names and addresses shall be filed with the ~~division's~~
25 department's copy of the certificate of compliance issued
26 except that this provision does not require the listing of
27 those persons who are employed on the premises of a bottling
28 plant, or winery where wine is manufactured, fermented,
29 or bottled in Iowa or the listing of those persons who are
30 thereafter engaged in the transporting of the wine.

31 Sec. 2453. Section 123.184, Code 2023, is amended to read
32 as follows:

33 **123.184 Report of gallonage sales — penalty.**

34 1. Each class "A" wine permit holder on or before the
35 tenth day of each calendar month commencing on the tenth day

1 of the calendar month following the month in which the person
2 is issued a permit, shall make a report under oath to the
3 ~~division~~ department electronically, or in a manner prescribed
4 by the ~~administrator~~ director, showing the exact number of
5 gallons of wine and fractional parts of gallons sold by that
6 permit holder during the preceding calendar month. The report
7 also shall state whatever reasonable additional information
8 the ~~administrator~~ director requires. The permit holder at
9 the time of filing this report shall pay to the ~~division~~
10 department the amount of tax due at the rate fixed in section
11 123.183. A penalty of ten percent of the amount of the tax
12 shall be assessed and collected if the report required to be
13 filed pursuant to this subsection is not filed and the tax paid
14 within the time required by this subsection.

15 2. Each wine direct shipper license holder shall make a
16 report under oath to the ~~division~~ department electronically,
17 or in a manner prescribed by the ~~administrator~~ director, on
18 or before the tenth day of the calendar months of June and
19 December, showing the exact number of gallons of wine and
20 fractional parts of gallons sold and shipped pursuant to
21 section 123.187 during the preceding six-month calendar period.
22 The report shall also state whatever reasonable additional
23 information the ~~administrator~~ director requires. The license
24 holder at the time of filing this report shall pay to the
25 ~~division~~ department the amount of tax due at the rate fixed
26 in section 123.183. A penalty of ten percent of this amount
27 shall be assessed and collected if the report required to be
28 filed pursuant to this subsection is not filed and the tax paid
29 within the time required by this subsection.

30 Sec. 2454. Section 123.186, subsections 1 and 2, Code 2023,
31 are amended to read as follows:

32 1. The ~~division~~ department shall adopt as rules the
33 substance of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R.
34 pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11.

35 2. The ~~division~~ department shall adopt as rules the

1 substance of 27 C.F.R. §6.88, to permit a manufacturer of
2 alcoholic beverages, wine, or beer, or an agent of such
3 manufacturer, to provide to a retailer without charge wine and
4 beer coil cleaning services, including carbon dioxide filters
5 and other necessary accessories to properly clean the coil and
6 affix carbon dioxide filters. The rules shall provide that the
7 manufacturer shall be responsible for paying the costs of any
8 filters provided.

9 Sec. 2455. Section 123.187, subsection 2, paragraphs b and
10 d, Code 2023, are amended to read as follows:

11 b. A wine manufacturer applying for a wine direct
12 shipper permit shall submit an application for the permit
13 electronically, or in a manner prescribed by the ~~administrator~~
14 director, accompanied by a true copy of the manufacturer's
15 current alcoholic beverage license or permit issued by the
16 state where the manufacturer is primarily located and a copy
17 of the manufacturer's basic permit issued by the alcohol and
18 tobacco tax and trade bureau of the United States department of
19 the treasury.

20 d. A permit issued pursuant to this section may be
21 renewed annually by submitting a renewal application with
22 the ~~administrator~~ director in a manner prescribed by the
23 ~~administrator~~ director, accompanied by the twenty-five dollar
24 permit fee.

25 Sec. 2456. Section 123.187, subsection 3, paragraph c, Code
26 2023, is amended to read as follows:

27 c. All containers of wine shipped directly to a resident
28 of this state shall be conspicuously labeled with the words
29 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
30 REQUIRED FOR DELIVERY" or shall be conspicuously labeled with
31 alternative wording preapproved by the ~~administrator~~ director.

32 Sec. 2457. Section 123.187, subsections 4 and 5, Code 2023,
33 are amended to read as follows:

34 4. A wine direct shipper permittee shall remit to the
35 ~~division~~ department an amount equivalent to the wine gallonage

1 tax on wine subject to direct shipment at the rate specified
2 in section 123.183 for deposit as provided in section 123.183,
3 subsections 2 and 3. The amount shall be remitted at the time
4 and in the manner provided in section 123.184, subsection
5 2, and the ten percent penalty specified therein shall be
6 applicable.

7 5. A wine direct shipper permittee shall be deemed to have
8 consented to the jurisdiction of the ~~division~~ department or any
9 other agency or court in this state concerning enforcement of
10 this section and any related laws, rules, or regulations. A
11 permit holder shall allow the ~~division~~ department to perform an
12 audit of shipping records upon request.

13 Sec. 2458. Section 123.188, subsections 1, 2, and 3, Code
14 2023, are amended to read as follows:

15 1. A person desiring to deliver wine subject to direct
16 shipment within this state pursuant to section 123.187 shall
17 submit an application for a wine carrier permit electronically,
18 or in a manner prescribed by the ~~administrator~~ director, which
19 shall be accompanied by a fee in the amount of one hundred
20 dollars.

21 2. The ~~administrator~~ director may in accordance with this
22 chapter issue a wine carrier permit which shall be valid
23 for one year from the date of issuance unless it is sooner
24 suspended or revoked for a violation of this chapter.

25 3. A permit issued pursuant to this section may be
26 renewed annually by submitting a renewal application with
27 the ~~administrator~~ director in a manner prescribed by the
28 ~~administrator~~ director, accompanied by the one hundred dollar
29 permit fee.

30 Sec. 2459. Section 123.188, subsection 4, paragraph c, Code
31 2023, is amended to read as follows:

32 c. A wine carrier permittee shall maintain records of wine
33 shipped which include the permit number and name of the wine
34 manufacturer, quantity of wine shipped, recipient's name and
35 address, and an electronic or paper form of signature from

1 the recipient of the wine. Records shall be submitted to the
 2 ~~division~~ department on a monthly basis in a form and manner to
 3 be determined by the ~~division~~ department.

4 Sec. 2460. Section 321.19, subsection 1, paragraph c,
 5 subparagraph (3), Code 2023, is amended to read as follows:

6 (3) Persons in the department of justice, ~~the alcoholic~~
 7 ~~beverages division of the department of commerce~~, disease
 8 investigators of the Iowa department of public health, the
 9 department of inspections and appeals, and the department of
 10 revenue, who are regularly assigned to conduct investigations
 11 which cannot reasonably be conducted with a vehicle displaying
 12 "official" state registration plates.

13 Sec. 2461. Section 453A.2, subsections 4, 6, and 7, Code
 14 2023, are amended to read as follows:

15 4. ~~The alcoholic beverages division of the~~ department of
 16 ~~commerce~~, a county, or a city may directly enforce this section
 17 in district court and initiate proceedings pursuant to section
 18 453A.22 before a permit-issuing authority which issued the
 19 permit against a permit holder violating this section.

20 6. If a county or a city has not assessed a penalty pursuant
 21 to section 453A.22, subsection 2, for a violation of subsection
 22 1, within sixty days of the adjudication of the violation,
 23 the matter shall be transferred to and be the exclusive
 24 responsibility of the ~~alcoholic beverages division of the~~
 25 ~~department of commerce~~. Following transfer of the matter, if
 26 the violation is contested, the ~~alcoholic beverages division~~
 27 ~~of the department of commerce~~ shall request an administrative
 28 hearing before an administrative law judge, assigned by the
 29 division of administrative hearings of the department of
 30 inspections and appeals in accordance with the provisions of
 31 section 10A.801, to adjudicate the matter pursuant to chapter
 32 17A.

33 7. A tobacco compliance employee training fund is
 34 created in the office of the treasurer of state. The fund
 35 shall consist of civil penalties assessed by the ~~alcoholic~~

1 ~~beverages division of the~~ department of ~~commerce~~ under
 2 section 453A.22 for violations of this section. Moneys in
 3 the fund are appropriated to the ~~alcoholic beverages division~~
 4 ~~of the department of commerce~~ and shall be used to develop
 5 and administer the tobacco compliance employee training
 6 program under section 453A.5. Moneys deposited in the fund
 7 shall not be transferred, used, obligated, appropriated, or
 8 otherwise encumbered except as provided in this subsection.
 9 Notwithstanding section 8.33, any unexpended balance in the
 10 fund at the end of the fiscal year shall be retained in the
 11 fund.

12 Sec. 2462. Section 453A.5, subsection 1, Code 2023, is
 13 amended to read as follows:

14 1. ~~The alcoholic beverages division of the~~ department of
 15 ~~commerce~~ shall develop a tobacco compliance employee training
 16 program not to exceed two hours in length for employees and
 17 prospective employees of retailers, as defined in sections
 18 453A.1 and 453A.42, to inform the employees about state and
 19 federal laws and regulations regarding the sale of tobacco,
 20 tobacco products, alternative nicotine products, vapor
 21 products, and cigarettes to persons under twenty-one years of
 22 age and compliance with and the importance of laws regarding
 23 the sale of tobacco, tobacco products, alternative nicotine
 24 products, vapor products, and cigarettes to persons under
 25 twenty-one years of age.

26 Sec. 2463. Section 453A.13, subsection 2, paragraph c, Code
 27 2023, is amended to read as follows:

28 c. ~~The department, or a~~ A city or county, shall submit
 29 a duplicate of any application for a retail permit to the
 30 ~~alcoholic beverages division of the department of commerce~~
 31 within thirty days of the issuance. The ~~alcoholic beverages~~
 32 ~~division of the department of commerce~~ shall submit the current
 33 list of all retail permits issued to the Iowa department of
 34 public health by the last day of each quarter of a state fiscal
 35 year.

1 Sec. 2464. Section 453A.22, subsection 2, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 If a retailer or employee of a retailer has violated section
4 453A.2 or section 453A.36, subsection 6, the department or
5 local authority, or the ~~alcoholic beverages division of the~~
6 ~~department of commerce~~ following transfer of the matter to the
7 ~~alcoholic beverages division of the department of commerce~~
8 pursuant to section 453A.2, subsection 6, in addition to the
9 other penalties fixed for such violations in this section,
10 shall assess a penalty upon the same hearing and notice as
11 prescribed in subsection 1 as follows:

12 Sec. 2465. Section 453A.22, subsection 6, Code 2023, is
13 amended to read as follows:

14 6. The ~~department or~~ local authority shall report the
15 suspension or revocation of a retail permit under this section
16 to the ~~alcoholic beverages division of the department of~~
17 ~~commerce~~ within thirty days of the suspension or revocation of
18 the retail permit.

19 Sec. 2466. Section 453A.47A, subsection 6, Code 2023, is
20 amended to read as follows:

21 6. *Issuance.* Cities may issue retail permits to retailers
22 located within their respective limits. County boards of
23 supervisors may issue retail permits to retailers located in
24 their respective counties, outside of the corporate limits of
25 cities. The city or county shall submit a duplicate of any
26 application for a retail permit to the ~~alcoholic beverages~~
27 ~~division of the department of commerce~~ within thirty days of
28 issuance of a permit. The ~~alcoholic beverages division of the~~
29 ~~department of commerce~~ shall submit the current list of all
30 retail permits issued to the Iowa department of public health
31 by the last day of each quarter of a state fiscal year.

32 Sec. 2467. Section 455C.3, subsections 2 and 5, Code 2023,
33 are amended to read as follows:

34 2. A distributor shall accept and pick up from a
35 participating dealer served by the distributor or a redemption

1 center for a dealer served by the distributor at least weekly,
 2 or when the distributor delivers the beverage product if
 3 deliveries are less frequent than weekly, any empty beverage
 4 container of the kind, size, and brand sold by the distributor,
 5 and shall pay to the participating dealer or redemption center
 6 the refund value of a beverage container and the reimbursement
 7 as provided under section 455C.2 within one week following
 8 pickup of the containers or when the participating dealer
 9 normally pays the distributor for the deposit on beverage
 10 products purchased from the distributor if less frequent than
 11 weekly. A distributor or employee or agent of a distributor is
 12 not in violation of this subsection if a redemption center is
 13 closed when the distributor attempts to make a regular pickup
 14 of empty beverage containers. This subsection does not apply
 15 to a distributor selling alcoholic liquor to the ~~alcoholic~~
 16 ~~beverages division of the department of commerce revenue~~.

17 5. ~~The alcoholic beverages division of the department~~
 18 ~~of commerce revenue~~ shall provide for the disposal of
 19 empty beverage containers as required under subsection
 20 2. ~~The division~~ department of revenue shall give priority
 21 consideration to the recycling of the empty beverage containers
 22 to the extent possible, before any other appropriate disposal
 23 method is considered or implemented.

24 CONFORMING CHANGES

25 Sec. 2468. Section 7E.5, subsection 1, paragraph c, Code
 26 2023, is amended to read as follows:

27 c. The department of revenue, created in section 421.2,
 28 which has primary responsibility for revenue collection
 29 and revenue law compliance, the Iowa lottery, and alcoholic
 30 beverage control.

31 Sec. 2469. Section 421.17, Code 2023, is amended by adding
 32 the following new subsection:

33 NEW SUBSECTION. 39. Administer chapters 99G and 123.

34 Sec. 2470. REPEAL. Section 546.9, Code 2023, is repealed.

35 DIVISION XIII

DEPARTMENT FOR THE BLIND

Sec. 2471. Section 216B.2, subsection 1, Code 2023, is amended to read as follows:

1. The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. ~~The members of the commission shall appoint officers for the commission.~~ A majority of the members of the commission shall constitute a quorum.

Sec. 2472. NEW SECTION. **216B.3A Director — duties.**

1. The director of the department shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly.

2. The director shall be the executive officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.

Sec. 2473. Section 216B.5, Code 2023, is amended to read as follows:

216B.5 Commission employees.

The commission may employ staff who shall be qualified by experience to assume the responsibilities of the offices. ~~The director shall be the administrative officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.~~

Sec. 2474. **APPOINTMENT OF DIRECTOR.** On or before July 1, 2023, the governor shall appoint a director of the department for the blind, effective July 1, 2023, as provided in this division of this Act.

Sec. 2475. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

1 DIVISION XIV
2 DEPARTMENT OF EDUCATION
3 IOWA EDUCATIONAL SERVICES FOR THE BLIND AND VISUALLY IMPAIRED
4 AND IOWA SCHOOL FOR THE DEAF

5 Sec. 2476. Section 70A.14, subsection 3, paragraph c, Code
6 2023, is amended by striking the paragraph.

7 Sec. 2477. Section 70A.17A, subsection 1, paragraph
8 d, subparagraph (3), Code 2023, is amended by striking the
9 subparagraph.

10 Sec. 2478. Section 235A.15, subsection 2, paragraph
11 c, subparagraph (4), Code 2023, is amended by striking the
12 subparagraph.

13 Sec. 2479. NEW SECTION. 256.95 Iowa educational services
14 for the blind and visually impaired and Iowa school for the deaf.

15 The department shall do all of the following:

16 1. Administer the Iowa educational services for the blind
17 and visually impaired program.

18 2. Govern the Iowa school for the deaf.

19 3. Establish a hall of fame for distinguished graduates
20 of the Iowa school for the deaf, distinguished graduates of
21 the Iowa braille and sight saving school, and distinguished
22 participants in the Iowa educational services for the blind and
23 visually impaired program.

24 Sec. 2480. NEW SECTION. 256.103 Employees — contracts —
25 termination and discharge procedures.

26 Sections 279.12 through 279.19 and section 279.27 apply to
27 employees of the Iowa school for the deaf, who are licensed
28 pursuant to subchapter VII, part 3. In following those
29 sections in chapter 279, the references to boards of directors
30 of school districts shall be interpreted to apply to the
31 department.

32 Sec. 2481. NEW SECTION. 256.104 Students residing on
33 state-owned land.

34 The department shall pay to the local school boards the
35 tuition payments and transportation costs, as otherwise

1 authorized by statutes for the elementary or high school
 2 education of students residing on land owned by the state and
 3 under the control of the department. Such payments shall be
 4 made from moneys appropriated to the department.

5 Sec. 2482. NEW SECTION. **256.105 Transfer of a student to**
 6 **the university of Iowa hospitals and clinics.**

7 The department may send any student of the Iowa school for
 8 the deaf to the university of Iowa hospitals and clinics for
 9 treatment and care. The department shall pay the traveling
 10 expenses of such student, and when necessary the traveling
 11 expenses of an attendant for the student, out of funds
 12 appropriated for the use of the department.

13 Sec. 2483. NEW SECTION. **256.107 Administrative rules.**

14 The state board shall adopt rules pursuant to chapter 17A to
 15 administer this subchapter.

16 Sec. 2484. Section 256B.2, subsection 2, paragraph c, Code
 17 2023, is amended to read as follows:

18 c. For those children who cannot adapt to the regular
 19 educational or home living conditions, and who are attending
 20 facilities under ~~chapters~~ chapter 263, ~~269, and 270~~ or chapter
 21 256, subchapter V, upon the request of the board of directors
 22 of an area education agency, the department of human services
 23 shall provide residential or detention facilities and the area
 24 education agency shall provide special education programs and
 25 services. The area education agencies shall cooperate with
 26 the ~~board of regents~~ department of education to provide the
 27 services required by this chapter.

28 Sec. 2485. Section 256B.3, subsection 9, Code 2023, is
 29 amended to read as follows:

30 9. To cooperate with existing agencies such as the
 31 department of human services, the Iowa department of public
 32 health, the Iowa school for the deaf, ~~the Iowa braille and~~
 33 ~~sight-saving school~~, the children's hospitals, or other
 34 agencies concerned with the welfare and health of children
 35 requiring special education in the coordination of their

1 educational activities for such children.

2 Sec. 2486. Section 256B.10, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:

4 a. The department ~~of education~~ shall work with the state
5 Iowa school for the deaf, the area education agencies, school
6 districts, and the early hearing detection and intervention
7 program in the Iowa department of public health for purposes
8 of coordinating, developing, and disseminating resources for
9 use by parents or guardians, early hearing detection and
10 intervention programs, the ~~state~~ Iowa school for the deaf,
11 area education agencies, school districts, and accredited
12 nonpublic schools to inform deaf and hard-of-hearing children's
13 expressive and receptive language acquisition or development.

14 Sec. 2487. Section 256B.10, subsection 1, paragraph b,
15 unnumbered paragraph 1, Code 2023, is amended to read as
16 follows:

17 The duties of the department ~~of education~~ shall, at a
18 minimum, include all of the following:

19 Sec. 2488. Section 256B.10, subsection 3, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 The department ~~of education~~, in consultation with the state
22 Iowa school for the deaf, the area education agencies, school
23 districts, and the early hearing detection and intervention
24 program in the Iowa department of public health, shall select
25 existing tools or assessments that may be used by qualified
26 educators to assess American sign language and English language
27 and literacy development of deaf and hard-of-hearing children
28 from birth through age eight.

29 Sec. 2489. Section 256B.10, subsections 4 and 7, Code 2023,
30 are amended to read as follows:

31 4. The department ~~of education~~ shall disseminate the parent
32 resource developed pursuant to this section to parents and
33 guardians of deaf and hard-of-hearing children and, consistent
34 with federal law, shall disseminate the educator tools and
35 assessments selected pursuant to subsection 3 to early hearing

1 detection and intervention programs, area education agencies,
2 school districts, accredited nonpublic schools, and the
3 ~~state~~ Iowa school for the deaf for use in the development and
4 modification of individualized family service or individualized
5 education program plans, and shall provide materials and
6 training on the use of such materials to assist deaf and
7 hard-of-hearing children in kindergarten readiness using
8 American sign language or English, or both, from birth through
9 age eight.

10 7. The department ~~of education~~ shall annually compile,
11 and publish on the department's internet site, a report using
12 existing data reported in compliance with the state performance
13 plan on pupils with disabilities, required under federal law,
14 that is specific to language and literacy development in deaf
15 and hard-of-hearing children from birth through age eight,
16 including those children who are deaf or hard of hearing and
17 have other disabilities, relative to the children's peers who
18 are not deaf or hard of hearing.

19 Sec. 2490. Section 256B.10, subsection 5, paragraphs a, b,
20 and e, Code 2023, are amended to read as follows:

21 a. If moneys are appropriated by the general assembly for
22 a fiscal year for the purpose provided in this subsection,
23 the department ~~of education~~ shall develop guidelines for a
24 comprehensive family support mentoring program that meets the
25 language and communication needs of families.

26 b. The department ~~of education~~ shall work with the early
27 hearing detection and intervention program in the Iowa
28 department of public health, the ~~state~~ Iowa school for the
29 deaf, and the area education agencies when developing the
30 guidelines. The department ~~of education~~, in consultation with
31 the Iowa school for the deaf, shall administer the family
32 support mentoring program for deaf or hard-of-hearing children.

33 e. The department ~~of education~~ shall coordinate family
34 support mentoring activities with the early hearing detection
35 and intervention program in the Iowa department of public

1 health, the ~~state~~ Iowa school for the deaf, the area education
2 agencies, and nonprofit organizations that provide family
3 support mentoring to parents with deaf or hard-of-hearing
4 children.

5 Sec. 2491. Section 256B.10, subsection 5, paragraph d,
6 unnumbered paragraph 1, Code 2023, is amended to read as
7 follows:

8 In establishing the family support mentoring program, the
9 department ~~of education~~ may do all of the following:

10 Sec. 2492. Section 261E.2, subsection 8, Code 2023, is
11 amended to read as follows:

12 8. "*Student*" means any individual enrolled in grades nine
13 through twelve in a school district who meets the criteria in
14 section 261E.3, subsection 1. "*Student*" includes an individual
15 attending an accredited nonpublic school or the Iowa school
16 for the deaf ~~or the Iowa braille and sight saving school~~ for
17 purposes of sections 261E.4 and 261E.6.

18 Sec. 2493. Section 261E.6, subsections 3, 4, and 6, Code
19 2023, are amended to read as follows:

20 3. *Authorization.* To participate in this program, an
21 eligible student shall make application to an eligible
22 postsecondary institution to allow the eligible student to
23 enroll for college credit in a nonsectarian course offered at
24 the institution. A comparable course, as defined in rules
25 adopted by the board of directors of the school district
26 consistent with department administrative rule, must not be
27 offered by the school district or accredited nonpublic school
28 the student attends. A course is ineligible for purposes
29 of this section if the school district has a contractual
30 agreement with the eligible postsecondary institution under
31 section 261E.8 that meets the requirements of section 257.11,
32 subsection 3, and the course may be delivered through such an
33 agreement in accordance with section 257.11, subsection 3.
34 If the postsecondary institution accepts an eligible student
35 for enrollment under this section, the institution shall send

1 written notice to the student, the student's parent or legal
2 guardian in the case of a minor child, and the student's school
3 district or accredited nonpublic school and the school district
4 in the case of a nonpublic school student, or the Iowa school
5 for the deaf ~~or the Iowa braille and sight saving school~~. The
6 notice shall list the course, the clock hours the student will
7 be attending the course, and the number of hours of college
8 credit that the eligible student will receive from the eligible
9 postsecondary institution upon successful completion of the
10 course.

11 4. *Credits.*

12 a. A school district, the Iowa school for the deaf, ~~the~~
13 ~~Iowa braille and sight saving school~~, or accredited nonpublic
14 school shall grant high school credit to an eligible student
15 enrolled in a course under this chapter if the eligible student
16 successfully completes the course as determined by the eligible
17 postsecondary institution. The board of directors of the
18 school district, the ~~board of regents~~ department of education
19 for the Iowa school for the deaf ~~and the Iowa braille and~~
20 ~~sight saving school~~, or authorities in charge of an accredited
21 nonpublic school shall determine the number of high school
22 credits that shall be granted to an eligible student who
23 successfully completes a course. Eligible students may take
24 up to seven semester hours of credit during the summer months
25 when school is not in session and receive credit for that
26 attendance, if the student pays the cost of attendance for
27 those summer credit hours.

28 b. The high school credits granted to an eligible
29 student under this section shall count toward the graduation
30 requirements and subject area requirements of the school
31 district of residence, the Iowa school for the deaf, ~~the Iowa~~
32 ~~braille and sight saving school~~, or accredited nonpublic school
33 of the eligible student. Evidence of successful completion
34 of each course and high school credits and college credits
35 received shall be included in the student's high school

1 transcript.

2 6. *Definition.* For purposes of this section and section
3 261E.7, unless the context otherwise requires, "*eligible*
4 *student*" means a student classified by the board of directors
5 of a school district, by the ~~state board of regents~~ department
6 of education for pupils of the Iowa school for the deaf ~~and the~~
7 ~~Iowa braille and sight saving school~~, or by the authorities
8 in charge of an accredited nonpublic school as a ninth or
9 tenth grade student who is identified according to the school
10 district's gifted and talented criteria and procedures,
11 pursuant to section 257.43, as a gifted and talented child,
12 or an eleventh or twelfth grade student, during the period
13 the student is participating in the postsecondary enrollment
14 options program.

15 Sec. 2494. Section 261E.7, subsection 1, unnumbered
16 paragraph 1, Code 2023, is amended to read as follows:

17 Not later than June 30 of each year, a school district
18 shall pay a tuition reimbursement amount to a postsecondary
19 institution that has enrolled its resident eligible
20 students under this chapter, unless the eligible student is
21 participating in open enrollment under section 282.18, in which
22 case, the tuition reimbursement amount shall be paid by the
23 receiving district. However, if a child's residency changes
24 during a school year, the tuition shall be paid by the district
25 in which the child was enrolled as of the date specified in
26 section 257.6, subsection 1, or the district in which the child
27 was counted under section 257.6, subsection 1, paragraph "a",
28 subparagraph (6). For students enrolled at the Iowa school
29 for the deaf ~~and the Iowa braille and sight saving school~~,
30 the ~~state board of regents~~ department of education shall pay
31 a tuition reimbursement amount by June 30 of each year. The
32 amount of tuition reimbursement for each separate course shall
33 equal the lesser of:

34 Sec. 2495. Section 262.7, subsections 4 and 5, Code 2023,
35 are amended by striking the subsections.

1 Sec. 2496. Section 262.9, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. Elect a president of each of the institutions of higher
4 learning; ~~a superintendent of each of the other institutions;~~
5 a treasurer and a secretarial officer for each institution
6 annually; professors, instructors, officers, and employees;
7 and fix their compensation. ~~Sections 279.12 through 279.19~~
8 ~~and section 279.27 apply to employees of the Iowa braille and~~
9 ~~sight saving school and the Iowa school for the deaf, who are~~
10 ~~licensed pursuant to chapter 272. In following those sections~~
11 ~~in chapter 279, the references to boards of directors of~~
12 ~~school districts shall be interpreted to apply to the board of~~
13 ~~regents.~~

14 Sec. 2497. Section 262.9, subsection 21, Code 2023, is
15 amended by striking the subsection.

16 Sec. 2498. Section 262.43, Code 2023, is amended to read as
17 follows:

18 **262.43 Students residing on state-owned land.**

19 The state board of regents shall pay to the local school
20 boards the tuition payments and transportation costs, as
21 otherwise authorized by statutes for the elementary or high
22 school education of students residing on land owned by the
23 state and under the control of the state board of regents.
24 Such payments for the three institutions of higher learning,
25 the state university of Iowa, the Iowa state university of
26 science and technology, and the university of northern Iowa,
27 shall be made from the funds of the respective institutions
28 other than state appropriations, ~~and for the two noncollegiate~~
29 ~~institutions, the Iowa braille and sight saving school and the~~
30 ~~Iowa school for the deaf, the payments and costs shall be paid~~
31 ~~from moneys appropriated to the state board of regents.~~

32 Sec. 2499. Section 263.21, Code 2023, is amended to read as
33 follows:

34 **263.21 Transfer of patients from state institutions.**

35 The director of the department of human services, in respect

1 to institutions under the director's control, the administrator
 2 of any of the divisions of the department, in respect to
 3 the institutions under the administrator's control, and the
 4 director of the department of corrections, in respect to the
 5 institutions under the department's control, ~~and the state~~
 6 ~~board of regents, in respect to the Iowa braille and sight~~
 7 ~~saving school and the Iowa school for the deaf,~~ may send any
 8 inmate, student, or patient of an institution, or any person
 9 committed or applying for admission to an institution, to the
 10 university of Iowa hospitals and clinics for treatment and
 11 care. The department of human services, and the department of
 12 corrections, ~~and the state board of regents~~ shall respectively
 13 pay the traveling expenses of such patient, and when necessary
 14 the traveling expenses of an attendant for the patient, out of
 15 funds appropriated for the use of the institution from which
 16 the patient is sent.

17 Sec. 2500. Section 269.1, Code 2023, is amended by striking
 18 the section and inserting in lieu thereof the following:

19 **269.1 Iowa educational services for the blind and visually**
 20 **impaired program.**

21 Any resident of the state under twenty-one years of age who
 22 is blind or visually impaired shall be entitled to receive the
 23 services of the Iowa educational services for the blind and
 24 visually impaired program. The department shall coordinate
 25 with area education agencies and school districts on the
 26 provision of these services for any eligible student.

27 Sec. 2501. Section 270.3, Code 2023, is amended to read as
 28 follows:

29 **270.3 Admission — Iowa school for the deaf.**

30 Any resident of the state less than twenty-one years of
 31 age who has a hearing loss which is too severe to acquire an
 32 education in the public schools is eligible to attend the Iowa
 33 school for the deaf. Nonresidents similarly situated may be
 34 admitted to ~~an education therein~~ the Iowa school for the deaf
 35 upon such terms as may be fixed by the ~~state board of regents~~

1 department. The fee for nonresidents shall be set by the ~~state~~
2 ~~board of regents~~ department.

3 Sec. 2502. Section 270.4, Code 2023, is amended to read as
4 follows:

5 **270.4 Clothing and prescriptions.**

6 The superintendent of the Iowa school for the deaf shall
7 provide students, who would otherwise be without, with clothing
8 or prescription refills, and shall bill the student's parent
9 or guardian, if the student is a minor, or the student if the
10 student has attained the age of majority, for any clothing or
11 prescription refills provided. The bill shall be presumptive
12 evidence in all courts.

13 Sec. 2503. Section 270.8, Code 2023, is amended to read as
14 follows:

15 **270.8 Residence during vacation.**

16 The residence of indigent or homeless children may, by order
17 of the ~~state board of regents~~ department, be continued during
18 vacation months.

19 Sec. 2504. Section 270.9, Code 2023, is amended to read as
20 follows:

21 **270.9 Iowa school for the deaf and the Iowa braille and sight**
22 **~~saving school~~ — transportation reimbursement.**

23 Funds appropriated to the Iowa school for the deaf and
24 ~~the Iowa braille and sight saving school~~ for payments to the
25 parents or guardians of pupils in ~~either~~ that institution shall
26 be expended as follows:

27 1. Transportation reimbursement at a rate established
28 annually by the ~~state board of regents~~ department to the
29 parents or guardians of children who do not reside in the
30 institution, but are transported to the institution on a daily
31 basis.

32 2. Transportation reimbursement at a rate established
33 annually by the ~~state board of regents~~ department to the
34 parents or guardians for transportation from the institution
35 to the residence of the parent or guardian and return to the

1 institution for children who reside in the institution.

2 Sec. 2505. Section 270.10, Code 2023, is amended to read as
3 follows:

4 **270.10 Merger Closure requirements.**

5 ~~1. The state board of regents department shall not merge~~
6 ~~close the Iowa school for the deaf at Council Bluffs with the~~
7 ~~Iowa braille and sight saving school at Vinton or close either~~
8 ~~of those institutions~~ until all of the following requirements
9 have been met:

10 ~~a.~~ 1. The department of management has presented to the
11 general assembly a comprehensive plan, program, and fiscal
12 analysis of the existing circumstances and the circumstances
13 which would prevail upon the proposed ~~merger or~~ closing,
14 together with data which would support the contention that the
15 ~~merger or~~ closing will be more efficient and effective than
16 continuation of the existing ~~facilities~~ facility. The analysis
17 shall include a detailed study of the educational implications
18 of the ~~merger or~~ closing, the impact on the students, and
19 the opinions and research of nationally recognized experts
20 in the field of the education of ~~visually impaired and deaf~~
21 or hard-of-hearing students. The comprehensive plan shall
22 further include a study relating to the programming, fiscal
23 consequences, and political implications which would result if
24 ~~either a merger or~~ an agreement under chapter 28E should be
25 implemented between the Iowa school for the deaf in Council
26 Bluffs and comparable state programs in the state of Nebraska.
27 ~~b.~~ 2. The general assembly has studied the plans, programs,
28 and fiscal analysis and has reviewed their impact on the
29 programs.

30 ~~c.~~ 3. The general assembly has enacted legislation
31 authorizing ~~either the closing or the merger~~ to take effect not
32 sooner than two years after the enactment of the legislation.

33 ~~2. This section shall not apply to an agreement related to~~
34 ~~the sale or transfer of the property of the Iowa braille and~~
35 ~~sight saving school at Vinton entered into between the state~~

1 ~~of Iowa and the city of Vinton.~~

2 Sec. 2506. Section 280.16, subsection 7, Code 2023, is
3 amended to read as follows:

4 7. ~~The Iowa braille and sight saving school,~~ the Iowa school
5 for the deaf, and the institutions under the control of the
6 department of human services as provided in section 218.1 are
7 exempt from the provisions of this section.

8 Sec. 2507. Section 321.1, subsection 8, paragraph i, Code
9 2023, is amended to read as follows:

10 *i.* If authorized to transport students or clients by the
11 superintendent of the ~~Iowa braille and sight saving school~~
12 ~~or of the~~ Iowa school for the deaf, or the superintendent's
13 respective designee, an employee of the ~~Iowa braille and~~
14 ~~sight saving school or the~~ Iowa school for the deaf is not a
15 chauffeur when transporting the students or clients.

16 Sec. 2508. Section 331.381, subsection 9, Code 2023, is
17 amended to read as follows:

18 9. Comply with ~~chapters 269 and 270~~ chapter 256, subchapter
19 V, in regard to the payment of costs for pupils at the ~~Iowa~~
20 ~~braille and sight saving school and the~~ Iowa school for the
21 deaf.

22 Sec. 2509. Section 331.424, subsection 1, paragraph a,
23 subparagraph (1), subparagraph division (b), Code 2023, is
24 amended to read as follows:

25 (b) Clothing, transportation, medical, or other services
26 provided persons attending ~~the Iowa braille and sight saving~~
27 ~~school,~~ the Iowa school for the deaf, or the university of Iowa
28 hospitals and clinics' center for disabilities and development
29 for children with severe disabilities at Iowa City, for which
30 the county becomes obligated to pay pursuant to sections
31 ~~263.12, 269.2,~~ and 270.4.

32 Sec. 2510. Section 331.552, subsection 13, Code 2023, is
33 amended to read as follows:

34 13. Make transfer payments to the state for school expenses
35 for ~~blind and~~ deaf and hard-of-hearing children and support of

1 persons with mental illness as provided in ~~sections~~ section
2 230.21 and ~~269.2~~.

3 Sec. 2511. Section 483A.24, subsection 7, Code 2023, is
4 amended to read as follows:

5 7. A license shall not be required of minor pupils of
6 the ~~Iowa braille and sight saving school~~, Iowa school for
7 the deaf, or of minor residents of other state institutions
8 under the control of an administrator of a division of the
9 department of human services. In addition, a person who is
10 on active duty with the armed forces of the United States,
11 on authorized leave from a duty station located outside of
12 this state, and a resident of the state of Iowa shall not be
13 required to have a license to hunt or fish in this state. The
14 military person shall carry the person's leave papers and a
15 copy of the person's current earnings statement showing a
16 deduction for Iowa income taxes while hunting or fishing. In
17 lieu of carrying the person's earnings statement, the military
18 person may also claim residency if the person is registered to
19 vote in this state. If a deer or wild turkey is taken, the
20 military person shall immediately contact a state conservation
21 officer to obtain an appropriate tag to transport the animal.
22 A license shall not be required of residents of county care
23 facilities or any person who is receiving supplementary
24 assistance under chapter 249.

25 Sec. 2512. REPEAL. Section 269.2, Code 2023, is repealed.

26 Sec. 2513. CODE EDITOR DIRECTIVE.

27 1. The Code editor is directed to make the following
28 transfers:

- 29 a. Section 256B.10 to section 256.106.
- 30 b. Section 269.1 to section 256.96.
- 31 c. Section 270.1 to section 256.98.
- 32 d. Section 270.3 to section 256.97.
- 33 e. Section 270.4 to section 256.99.
- 34 f. Section 270.8 to section 256.100.
- 35 g. Section 270.9 to section 256.101.

1 h. Section 270.10 to section 256.102.

2 2. The Code editor shall correct internal references in the
3 Code and in any enacted legislation as necessary due to the
4 enactment of this section.

5 3. The Code editor may designate sections 256.95 through
6 256.107, as amended or enacted in this division of this Act, as
7 new subchapter V within chapter 256, entitled "Iowa educational
8 services for the blind and visually impaired program and Iowa
9 school for the deaf".

10 Sec. 2514. TRANSITION PROVISIONS.

11 1. The property and records in the custody of the state
12 board of regents relating to the Iowa braille and sight saving
13 school, the Iowa school for the deaf, the hall of fame for
14 distinguished graduates at the Iowa braille and sight saving
15 school, and the hall of fame for distinguished graduates at the
16 Iowa school for the deaf shall be transferred to the department
17 of education.

18 2. All employees of the Iowa school for the deaf established
19 pursuant to chapter 270 shall be considered employees of the
20 department of education on the effective date of this division
21 of this Act without incurring any loss in salary, benefits, or
22 accrued years of service.

23 INNOVATION DIVISION

24 Sec. 2515. Section 268.7, Code 2023, is amended to read as
25 follows:

26 **268.7 ~~Science,~~ Innovation division — science, technology,**
27 **engineering, and mathematics collaborative initiative.**

28 1. The innovation division of the department of education
29 is created. The chief administrative officer of the division
30 is the administrator who shall be a highly qualified science,
31 technology, engineering, and mathematics advocate and shall be
32 appointed by the director.

33 2. The administrator shall do all of the following:

34 a. Direct and organize the activities of the division,
35 including the science, technology, engineering, and mathematics

1 collaborative initiative created in subsection 3.

2 b. Control all property of the division.

3 c. Perform other duties imposed by law.

4 ~~1. 3.~~ A science, technology, engineering, and mathematics
5 collaborative initiative is established ~~at the university of~~
6 ~~northern Iowa~~ within the innovation division for purposes
7 of supporting activities directly related to recruitment of
8 prekindergarten through grade twelve mathematics and science
9 teachers for ongoing mathematics and science programming for
10 students enrolled in prekindergarten through grade twelve.

11 ~~2. 4.~~ The collaborative initiative shall prioritize
12 student interest in achievement in science, technology,
13 engineering, and mathematics; reach every student and teacher
14 in every school district in the state; identify, recruit,
15 prepare, and support the best mathematics and science teachers;
16 and sustain exemplary programs ~~through the university's Iowa~~
17 ~~mathematics and science education partnership.~~ The university
18 innovation division shall collaborate with the community
19 colleges to develop science, technology, engineering, and
20 mathematics professional development programs for community
21 college instructors and for purposes of science, technology,
22 engineering, and mathematics curricula development.

23 ~~3. 5.~~ Subject to an appropriation of ~~funds~~ moneys by the
24 general assembly, the ~~initiative~~ innovation division shall
25 administer the following:

26 a. Regional science, technology, engineering, and
27 mathematics networks for Iowa, the purpose of which is to
28 equalize science, technology, engineering, and mathematics
29 education enrichment opportunities available to learners
30 statewide. The ~~initiative~~ innovation division shall establish
31 six geographically similar regional science, technology,
32 engineering, and mathematics networks across Iowa that
33 complement and leverage existing resources, including ~~but~~
34 ~~not limited to~~ extension service assets, area education
35 agencies, state accredited postsecondary institutions,

1 informal educational centers, school districts, economic
2 development zones, and existing public and private science,
3 technology, engineering, and mathematics partnerships. Each
4 network shall be managed by a highly qualified science,
5 technology, engineering, and mathematics advocate positioned
6 at a network hub to be determined through a competitive
7 application process. Oversight for each regional network
8 shall be provided by a regional advisory board. Members of
9 the board shall be appointed by the governor. The membership
10 shall represent prekindergarten through grade twelve school
11 districts and schools, and higher education, business,
12 nonprofit organizations, youth agencies, and other appropriate
13 stakeholders.

14 *b.* A focused array of the best science, technology,
15 engineering, and mathematics enrichment opportunities, selected
16 through a competitive application process, that can be expanded
17 to meet future needs. A limited, focused list of selected
18 exemplary programs shall be made available to each regional
19 network.

20 *c.* Statewide science, technology, engineering, and
21 mathematics programming designed to increase participation of
22 students and teachers in successful learning experiences; to
23 increase the number of science, technology, engineering, and
24 mathematics-related teaching majors offered by the state's
25 universities; to elevate public awareness of the opportunities;
26 and to increase collaboration and partnerships.

27 ~~4.~~ 6. The ~~initiative~~ innovation division shall evaluate the
28 effectiveness of programming to document best practices.

29 7. The state board shall adopt rules pursuant to chapter 17A
30 to administer this section.

31 Sec. 2516. CODE EDITOR DIRECTIVE.

32 1. The Code editor is directed to make the following
33 transfer:

34 Section 268.7 to section 256.111.

35 2. The Code editor shall correct internal references in the

1 Code and in any enacted legislation as necessary due to the
2 enactment of this section.

3 3. The Code editor may designate section 256.111, as enacted
4 in this division of this Act, as new subchapter VI within
5 chapter 256, entitled "Innovation Division".

6 Sec. 2517. TRANSITION PROVISIONS.

7 1. The property and records in the custody of the state
8 board of regents or the university of northern Iowa relating
9 to the science, technology, engineering, and mathematics
10 collaborative initiative shall be transferred to the department
11 of education on or before the effective date of this division
12 of this Act.

13 2. All employees of the university of northern Iowa whose
14 primary workplace is located at the university of northern Iowa
15 under the science, technology, engineering, and mathematics
16 collaborative initiative established pursuant to section 268.7
17 shall be considered employees of the innovation division of the
18 department of education on the effective date of this division
19 of this Act without incurring any loss in salary, benefits, or
20 accrued years of service.

21 3. The state board of regents and the university of
22 northern Iowa shall assist the department of education in
23 implementing this division of this Act by providing for an
24 effective transition of powers and duties from one entity
25 to another under section 268.7, chapters 256 and 262, and
26 related administrative rules. To the extent requested by
27 the department of education, such assistance shall include
28 assisting in cooperating with federal agencies such as the
29 United States department of education.

30 4. Any contract issued or entered into by the state board
31 of regents or the university of northern Iowa relating to the
32 provisions of section 268.7, in effect on the effective date
33 of this division of this Act, shall continue in full force and
34 effect pending transfer of such contract to the innovation
35 division of the department of education.

1 5. Federal funds utilized by the state board of regents or
 2 the university of northern Iowa prior to the effective date of
 3 this division of this Act to employ personnel necessary for
 4 the administration of the science, technology, engineering,
 5 and mathematics collaborative initiative established pursuant
 6 to section 268.7 shall be applied to and be available for the
 7 transfer of such personnel from the state board of regents or
 8 the university of northern Iowa to the innovation division of
 9 the department of education.

10 HIGHER EDUCATION DIVISION AND MISCELLANEOUS CHANGES

11 Sec. 2518. Section 256.1, subsection 1, Code 2023, is
 12 amended by adding the following new paragraphs:

13 NEW PARAGRAPH. *g.* The Iowa educational services for the
 14 blind and visually impaired program.

15 NEW PARAGRAPH. *h.* The Iowa school for the deaf.

16 NEW PARAGRAPH. *i.* The science, technology, engineering,
 17 and mathematics collaborative initiative within the innovation
 18 division of the department.

19 NEW PARAGRAPH. *j.* The college student aid commission within
 20 the higher education division of the department.

21 NEW PARAGRAPH. *k.* The board of educational examiners within
 22 the higher education division of the department.

23 NEW PARAGRAPH. *l.* Career and technical education programs
 24 offered by school districts or community colleges.

25 Sec. 2519. Section 256.7, unnumbered paragraph 1, Code
 26 2023, is amended to read as follows:

27 ~~Except for the college student aid commission, the~~
 28 ~~commission of libraries and division of library services,~~
 29 higher education division; the bureaus, boards, and commissions
 30 within the higher education division; and the public
 31 broadcasting board and division, the state board shall:

32 Sec. 2520. Section 256.9, unnumbered paragraph 1, Code
 33 2023, is amended to read as follows:

34 ~~Except for the college student aid commission, the~~
 35 ~~commission of libraries and division of library services,~~

1 higher education division; the bureaus, boards, and commissions
2 within the higher education division; and the public
3 broadcasting board and division, the director shall:

4 Sec. 2521. NEW SECTION. **256.121 Higher education division**
5 **created.**

6 1. The higher education division of the department of
7 education is created. The chief administrative officer of the
8 division is the administrator who shall be appointed by the
9 director.

10 2. The administrator shall do all of the following:

11 a. Administer and coordinate all of the following bureaus,
12 boards, and commissions within the higher education division:

13 (1) The community colleges and post-secondary readiness
14 bureau under part 2.

15 (2) The board of educational examiners under part 3.

16 (3) The college student aid commission under part 4.

17 (4) The community colleges bureau under chapter 260C.

18 b. Direct and organize the activities of the division.

19 c. Control all property of the division.

20 d. Hire and control the personnel employed by the division.

21 e. Perform other duties imposed by law.

22 Sec. 2522. CODE EDITOR DIRECTIVE. The Code editor may
23 designate section 256.121 as new subchapter VII within chapter
24 256, entitled "Higher Education Division", and new part 1
25 within new subchapter VII entitled "General Provisions".

26 COMMUNITY COLLEGES AND POST-SECONDARY READINESS BUREAU

27 Sec. 2523. Section 256.7, subsection 2, Code 2023, is
28 amended to read as follows:

29 2. Constitute the state board for career and technical
30 education under ~~chapter 258~~ subchapter VII, part 2.

31 Sec. 2524. Section 256.11, subsection 5, paragraph h,
32 subparagraph (2), Code 2023, is amended to read as follows:

33 (2) Instructional programs provided under subparagraph (1)
34 shall comply with the provisions of ~~chapter 258~~ subchapter VII,
35 part 2, relating to career and technical education, and shall

1 be articulated with postsecondary programs of study and include
 2 field, laboratory, or on-the-job training. Each sequential
 3 unit shall contain a portion of a career and technical
 4 education program approved by the department. Standards for
 5 instructional programs shall include but not be limited to new
 6 and emerging technologies; job-seeking, job-adaptability, and
 7 other employment, self-employment and entrepreneurial skills
 8 that reflect current industry standards and labor-market needs;
 9 and reinforcement of basic academic skills.

10 Sec. 2525. Section 257.51, subsection 3, Code 2023, is
 11 amended to read as follows:

12 3. The department of education shall adopt rules to
 13 establish and administer a career academy grant program
 14 to provide for the allocation of money in the fund in
 15 the form of competitive grants, not to exceed one million
 16 dollars per grant, to school corporations for career academy
 17 infrastructure, career academy equipment, or both, in
 18 accordance with the goals of this section and to further the
 19 goals of the establishment and operation of career academies
 20 under section 258.15. The rules adopted by the department
 21 of education shall specify the eligibility of applicants
 22 and eligible items for grant funding. Priority for grants
 23 shall first be given to applications to establish new career
 24 academies that are organized as regional centers pursuant to
 25 chapter 258 256, subchapter VII, part 2. Subsequent priority
 26 shall be given to applications for expanding existing career
 27 academies.

28 Sec. 2526. Section 258.3, Code 2023, is amended to read as
 29 follows:

30 **258.3 ~~Personnel~~ Community colleges and post-secondary**
 31 **readiness bureau — personnel.**

32 The director of the department of education shall appoint
 33 the bureau chief of the community colleges and post-secondary
 34 readiness bureau, and the bureau chief shall direct the work of
 35 personnel as necessary to carry out this chapter part.

1 Sec. 2527. Section 258.3A, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. Adopt rules prescribing standards for approval of school
4 district career and technical education programs; and community
5 colleges with career and technical education programs; and
6 practitioner preparation schools, departments, and classes,
7 applying for federal and state moneys under this ~~chapter~~ part.

8 Sec. 2528. Section 258.4, subsection 10, Code 2023, is
9 amended to read as follows:

10 10. Notwithstanding the accreditation process contained
11 in section 256.11, permit school districts that provide a
12 program which does not meet the standards for accreditation
13 for career and technical education to cooperate with the
14 regional career and technical education planning partnership
15 and contract for an approved program under this ~~chapter~~ part
16 without losing accreditation. A school district that fails
17 to cooperate with the regional career and technical education
18 planning partnership and contract for an approved program
19 shall, however, be subject to section 256.11.

20 Sec. 2529. Section 258.6, Code 2023, is amended to read as
21 follows:

22 **258.6 Definitions.**

23 As used in this ~~chapter~~ part:

24 1. "*Approved career and technical education program*" means
25 a career and technical education program offered by a school
26 district or community college and approved by the ~~department~~
27 bureau which meets the standards for career and technical
28 education programs adopted by the state board under this
29 ~~chapter~~ part.

30 2. "*Approved practitioner preparation school, department,*
31 *or class*" means a school, department, or class approved by the
32 state board as entitled under this ~~chapter~~ part to federal
33 moneys for the training of teachers of career and technical
34 education subjects.

35 3. "*Approved regional career and technical education*

1 *planning partnership* means a regional entity that meets the
2 standards for regional career and technical education planning
3 partnerships adopted by the state board pursuant to section
4 258.3A and section 258.14.

5 4. *Career academy* means a career academy established under
6 section 258.15.

7 5. *Career and technical education service area* means
8 any one of the service areas specified in section 256.11,
9 subsection 5, paragraph "h".

10 ~~6. "Department" means the department of education.~~

11 ~~7. "Director" means the director of the department of~~
12 ~~education.~~

13 ~~8.~~ 6. *Sector partnership* means a regional industry sector
14 partnership established pursuant to section 260H.7B.

15 ~~9.~~ 7. *State board* means the state board for career and
16 technical education as provided in section 258.2.

17 ~~10.~~ 8. *Work-based learning* means opportunities and
18 experiences that include but are not limited to tours, job
19 shadowing, rotations, mentoring, entrepreneurship, service
20 learning, internships, and apprenticeships.

21 ~~11.~~ 9. *Work-based learning intermediary network* means the
22 statewide work-based learning intermediary network established
23 pursuant to section 256.40.

24 Sec. 2530. Section 258.9, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The board of directors of a school district or community
27 college that maintains a career and technical education
28 program receiving federal or state funds under this ~~chapter~~
29 part shall, as a condition of approval by the state board,
30 appoint a local advisory council for each career and technical
31 education program offered by the school district or community
32 college. However, a school district and a community college
33 that maintain a career and technical education program
34 receiving federal or state funds may create a joint local
35 advisory council. The membership of each local advisory

1 council shall consist of public members with expertise in
2 the occupation or occupational field related to the career
3 and technical education program. The local advisory council
4 shall give advice and assistance to the board of directors,
5 administrators, and instructors in the establishment and
6 maintenance of the career and technical education program.

7 Sec. 2531. Section 258.11, Code 2023, is amended to read as
8 follows:

9 **258.11 Salary and expenses for administration.**

10 The director may make expenditures for salaries and other
11 expenses as necessary to the proper administration of this
12 ~~chapter~~ part.

13 Sec. 2532. Section 260C.14, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. Determine the curriculum to be offered in such school or
16 college subject to approval of the director and ensure that all
17 career and technical education offerings are competency-based,
18 provide any minimum competencies required by the department
19 of education, comply with any applicable requirements in
20 ~~chapter 258~~ 256, subchapter VII, part 2, and are articulated
21 with local school district career and technical education
22 programs. If an existing private educational institution or an
23 existing vocational institution offering a career and technical
24 education program within the merged area has facilities and
25 curriculum of adequate size and quality which would duplicate
26 the functions of the area school, the board of directors shall
27 discuss with the institution the possibility of entering into
28 contracts to have the existing institution offer facilities
29 and curriculum to students of the merged area. The board of
30 directors shall consider any proposals submitted by the private
31 institution for providing such facilities and curriculum. The
32 board of directors may enter into such contracts. In approving
33 curriculum, the director shall ascertain that all courses
34 and programs submitted for approval are needed and that the
35 curriculum being offered by an area school does not duplicate

1 programs provided by existing public or private facilities in
 2 the area. In determining whether duplication would actually
 3 exist, the director shall consider the needs of the area
 4 and consider whether the proposed programs are competitive
 5 as to size, quality, tuition, purposes, and area coverage
 6 with existing public and private educational or vocational
 7 institutions within the merged area. If the board of directors
 8 of the merged area chooses not to enter into contracts with
 9 private institutions under this subsection, the board shall
 10 submit a list of reasons why contracts to avoid duplication
 11 were not entered into and an economic impact statement relating
 12 to the board's decision.

13 Sec. 2533. Section 598.21B, subsection 2, paragraph e,
 14 subparagraph (1), subparagraph division (c), Code 2023, is
 15 amended to read as follows:

16 (c) The parent is attending a career and technical education
 17 program approved pursuant to chapter ~~258~~ 256, subchapter VII,
 18 part 2.

19 Sec. 2534. EMERGENCY RULES. The state board of education
 20 may adopt emergency rules under section 17A.4, subsection 3,
 21 and section 17A.5, subsection 2, paragraph "b", to implement
 22 the provisions of this division of this Act pertaining to the
 23 community colleges and post-secondary readiness bureau and
 24 the rules shall be effective immediately upon filing unless
 25 a later date is specified in the rules. Any rules adopted
 26 in accordance with this section shall also be published as a
 27 notice of intended action as provided in section 17A.4.

28 Sec. 2535. CODE EDITOR DIRECTIVE.

29 1. The Code editor is directed to make the following
 30 transfers:

- 31 a. Section 258.1 to section 256.126.
- 32 b. Section 258.2 to section 256.127.
- 33 c. Section 258.3 to section 256.128.
- 34 d. Section 258.3A to section 256.129.
- 35 e. Section 258.4 to section 256.130.

1 f. Section 258.5 to section 256.131.

2 g. Section 258.6 to section 256.125.

3 h. Section 258.9 to section 256.132.

4 i. Section 258.10 to section 256.133.

5 j. Section 258.11 to section 256.134.

6 k. Section 258.12 to section 256.135.

7 l. Section 258.14 to section 256.136.

8 m. Section 258.15 to section 256.137.

9 2. The Code editor shall correct internal references in the
10 Code and in any enacted legislation as necessary due to the
11 enactment of this section.

12 3. The Code editor may designate sections 256.125 through
13 256.137, as amended or enacted in this division of this Act,
14 as new part 2 entitled "Community Colleges and Post-Secondary
15 Readiness Bureau" within the subchapter entitled "Higher
16 Education Division" as enacted by another division of this Act.

17 Sec. 2536. TRANSITION PROVISIONS.

18 1. Any contract issued or entered into by the state board
19 of education or the department of education relating to the
20 provisions of chapter 258, in effect on the effective date
21 of this division of this Act, shall continue in full force
22 and effect pending transfer of such contract to the higher
23 education division of the department of education.

24 2. All employees of the department of education who work
25 under the career and technical education program established
26 pursuant to chapter 258 shall be considered employees of the
27 community colleges and post-secondary readiness bureau of the
28 higher education division of the department of education on the
29 effective date of this division of this Act without incurring
30 any loss in salary, benefits, or accrued years of service.

31 BOARD OF EDUCATIONAL EXAMINERS

32 Sec. 2537. Section 20.17, subsection 10, paragraph a, Code
33 2023, is amended to read as follows:

34 a. In the absence of an impasse agreement negotiated
35 pursuant to section 20.19 which provides for a different

1 completion date, public employees represented by a certified
2 employee organization who are teachers licensed under chapter
3 272 256, subchapter VII, part 3, and who are employed by a
4 public employer which is a school district or area education
5 agency shall complete the negotiation of a proposed collective
6 bargaining agreement not later than May 31 of the year
7 when the agreement is to become effective. The board shall
8 provide, by rule, a date on which impasse items in such cases
9 must be submitted to binding arbitration and for such other
10 procedures as deemed necessary to provide for the completion
11 of negotiations of proposed collective bargaining agreements
12 not later than May 31. The date selected for the mandatory
13 submission of impasse items to binding arbitration in such
14 cases shall be sufficiently in advance of May 31 to ensure that
15 the arbitrator's award can be reasonably made by May 31.

16 Sec. 2538. Section 20.19, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. As the first step in the performance of their duty to
19 bargain, the public employer and the employee organization
20 shall endeavor to agree upon impasse procedures. Such
21 agreement shall provide for implementation of these impasse
22 procedures not later than one hundred twenty days prior to
23 the certified budget submission date of the public employer.
24 However, if public employees represented by the employee
25 organization are teachers licensed under chapter 272 256,
26 subchapter VII, part 3, and the public employer is a school
27 district or area education agency, the agreement shall provide
28 for implementation of impasse procedures not later than one
29 hundred twenty days prior to May 31 of the year when the
30 collective bargaining agreement is to become effective. If the
31 public employer is a community college, the agreement shall
32 provide for implementation of impasse procedures not later than
33 one hundred twenty days prior to May 31 of the year when the
34 collective bargaining agreement is to become effective. If
35 the public employer is not subject to the budget certification

1 requirements of section 24.17 and other applicable sections,
2 the agreement shall provide for implementation of impasse
3 procedures not later than one hundred twenty days prior
4 to the date the next fiscal or budget year of the public
5 employer commences. If the parties fail to agree upon impasse
6 procedures under the provisions of this section, the impasse
7 procedures provided in sections 20.20 and 20.22 shall apply.

8 Sec. 2539. Section 20.20, Code 2023, is amended to read as
9 follows:

10 **20.20 Mediation.**

11 In the absence of an impasse agreement negotiated pursuant
12 to section 20.19 or the failure of either party to utilize its
13 procedures, one hundred twenty days prior to the certified
14 budget submission date, or one hundred twenty days prior to
15 May 31 of the year when the collective bargaining agreement
16 is to become effective if public employees represented by the
17 employee organization are teachers licensed under chapter
18 ~~272~~ 256, subchapter VII, part 3, and the public employer is
19 a school district or area education agency, the board shall,
20 upon the request of either party, appoint an impartial and
21 disinterested person to act as mediator. If the public
22 employer is a community college, and in the absence of an
23 impasse agreement negotiated pursuant to section 20.19 or
24 the failure of either party to utilize its procedures, one
25 hundred twenty days prior to May 31 of the year when the
26 collective bargaining agreement is to become effective, the
27 board, upon the request of either party, shall appoint an
28 impartial and disinterested person to act as mediator. If the
29 public employer is not subject to the budget certification
30 requirements of section 24.17 or other applicable sections and
31 in the absence of an impasse agreement negotiated pursuant
32 to section 20.19, or the failure of either party to utilize
33 its procedures, one hundred twenty days prior to the date the
34 next fiscal or budget year of the public employer commences,
35 the board, upon the request of either party, shall appoint an

1 impartial and disinterested person to act as a mediator. It
2 shall be the function of the mediator to bring the parties
3 together to effectuate a settlement of the dispute, but the
4 mediator may not compel the parties to agree.

5 Sec. 2540. Section 235A.15, subsection 2, paragraph e,
6 subparagraph (9), Code 2023, is amended to read as follows:

7 (9) To the board of educational examiners created under
8 chapter ~~272~~ 256 for purposes of determining whether a license,
9 certificate, or authorization should be issued, denied, or
10 revoked.

11 Sec. 2541. Section 235B.6, subsection 2, paragraph e,
12 subparagraph (13), Code 2023, is amended to read as follows:

13 (13) To the board of educational examiners created under
14 chapter ~~272~~ 256 for purposes of determining whether a license,
15 certificate, or authorization should be issued, denied, or
16 revoked.

17 Sec. 2542. Section 256.7, subsection 26, paragraph a,
18 subparagraph (2), Code 2023, is amended to read as follows:

19 (2) The rules shall allow a school district or accredited
20 nonpublic school to award high school credit to an enrolled
21 student upon the demonstration of required competencies for
22 a course or content area, as approved by a teacher licensed
23 under ~~chapter 272~~ subchapter VII, part 3. The school district
24 or accredited nonpublic school shall determine the assessment
25 methods by which a student demonstrates sufficient evidence of
26 the required competencies.

27 Sec. 2543. Section 256.7, subsection 32, paragraph c, Code
28 2023, is amended to read as follows:

29 c. Rules adopted pursuant to this subsection shall require
30 that online learning coursework offered by school districts,
31 accredited nonpublic schools, and area education agencies be
32 rigorous, high-quality, aligned with the Iowa core and core
33 content requirements and standards and the national standards
34 of quality for online courses issued by an internationally
35 recognized association for kindergarten through grade twelve

1 online learning, and taught by a teacher licensed under ~~chapter~~
 2 272 subchapter VII, part 3, who has specialized training or
 3 experience in online learning, including but not limited to an
 4 online-learning-for-Iowa-educators-professional-development
 5 project offered by area education agencies, a teacher
 6 preservice program, or comparable coursework.

7 Sec. 2544. Section 256.9, subsection 55, Code 2023, is
 8 amended to read as follows:

9 55. Develop and maintain a list of approved online
 10 providers that provide course content through an online
 11 learning platform taught by a teacher licensed under ~~chapter~~
 12 272 subchapter VII, part 3, who has specialized training or
 13 experience in online learning including but not limited to an
 14 online-learning-for-Iowa-educators-professional-development
 15 project offered by area education agencies, a teacher
 16 preservice program, or comparable coursework, and whose online
 17 learning coursework meets the requirements established by
 18 rule pursuant to section 256.7, subsection 32, paragraph "c".
 19 Providers shall apply for approval annually or as determined
 20 by the department.

21 Sec. 2545. Section 256.11, subsections 9, 9A, and 9B, Code
 22 2023, are amended to read as follows:

23 9. Beginning July 1, 2006, each school district shall have a
 24 qualified teacher librarian who shall be licensed by the board
 25 of educational examiners under ~~chapter 272~~ subchapter VII,
 26 part 3. The state board shall establish in rule a definition
 27 of and standards for an articulated sequential kindergarten
 28 through grade twelve media program. A school district that
 29 entered into a contract with an individual for employment as a
 30 media specialist or librarian prior to June 1, 2006, shall be
 31 considered to be in compliance with this subsection until June
 32 30, 2011, if the individual is making annual progress toward
 33 meeting the requirements for a teacher librarian endorsement
 34 issued by the board of educational examiners under ~~chapter~~
 35 272 subchapter VII, part 3. A school district that entered

1 into a contract with an individual for employment as a media
 2 specialist or librarian who holds at least a master's degree in
 3 library and information studies shall be considered to be in
 4 compliance with this subsection until the individual leaves the
 5 employ of the school district.

6 9A. Beginning July 1, 2007, each school district shall have
 7 a qualified guidance counselor who shall be licensed by the
 8 board of educational examiners under ~~chapter 272~~ subchapter
 9 VII, part 3. Each school district shall work toward the
 10 goal of having one qualified guidance counselor for every
 11 three hundred fifty students enrolled in the school district.
 12 The state board shall establish in rule a definition of and
 13 standards for an articulated sequential kindergarten through
 14 grade twelve guidance and counseling program.

15 9B. Beginning July 1, 2007, each school district shall have
 16 a school nurse to provide health services to its students.
 17 Each school district shall work toward the goal of having one
 18 school nurse for every seven hundred fifty students enrolled in
 19 the school district. For purposes of this subsection, "*school*
 20 *nurse*" means a person who holds an endorsement or a statement of
 21 professional recognition for school nurses issued by the board
 22 of educational examiners under ~~chapter 272~~ subchapter VII, part
 23 3.

24 Sec. 2546. Section 256.11, subsection 17, paragraph a,
 25 subparagraph (1), subparagraph division (a), Code 2023, is
 26 amended to read as follows:

27 (a) The school district or accredited nonpublic school
 28 makes every reasonable and good faith effort to employ a
 29 teacher licensed under ~~chapter 272~~ subchapter VII, part 3, for
 30 the specified subject and is unable to employ such a teacher.

31 Sec. 2547. Section 256.11, subsection 17, paragraph c,
 32 subparagraphs (1) and (3), Code 2023, are amended to read as
 33 follows:

34 (1) An online learning platform if the course is developed
 35 by the school district or accredited nonpublic school itself

1 or is developed by a partnership or consortium of schools
2 that have developed the course individually or cooperatively,
3 provided the course is taught and supervised by a teacher
4 licensed under ~~chapter 272~~ subchapter VII, part 3, who has
5 online learning experience and the course content meets the
6 requirements established by rule pursuant to section 256.7,
7 subsection 32, paragraph "c". A partnership or consortium of
8 schools may include two or more school districts or accredited
9 nonpublic schools, or any combination thereof.

10 (3) An online learning platform offered, subject to the
11 initial availability of federal funds, by the department in
12 collaboration with one or more area education agencies or in
13 partnership with school districts and accredited nonpublic
14 schools. The online learning platform may deliver distance
15 education to students, including students receiving competent
16 private instruction under chapter 299A, provided such students
17 register with the school district of residence and the
18 coursework offered by the online learning platform is taught
19 and supervised by a teacher licensed under ~~chapter 272~~
20 subchapter VII, part 3, who has online learning experience and
21 the course content meets the requirements established by rule
22 pursuant to section 256.7, subsection 32, paragraph "c". The
23 department and the area education agencies operating online
24 learning programs pursuant to section 273.16 shall coordinate
25 to ensure the most effective use of resources and delivery
26 of services. Federal funds, if available, may be used to
27 offset what would otherwise be costs to school districts for
28 participation in the program.

29 Sec. 2548. Section 256.16, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. A person initially applying for a license shall
32 successfully complete a practitioner preparation program
33 approved under section 256.7, subsection 3, and containing the
34 subject matter specified in this section, before the initial
35 action by the board of educational examiners under ~~chapter 272~~

1 subchapter VII, part 3, takes place.

2 Sec. 2549. Section 256.41, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. Online learning curricula shall be provided and
5 supervised by a teacher licensed under ~~chapter 272~~ subchapter
6 VII, part 3.

7 Sec. 2550. Section 256.43, subsection 1, paragraph d, Code
8 2023, is amended to read as follows:

9 d. High-quality online instruction taught by teachers
10 licensed under ~~chapter 272~~ subchapter VII, part 3.

11 Sec. 2551. Section 256.43, subsection 2, paragraph a, Code
12 2023, is amended to read as follows:

13 a. At the discretion of the school board or authorities in
14 charge of an accredited nonpublic school, after consideration
15 of circumstances created by necessity, convenience, and
16 cost-effectiveness, courses developed by private providers may
17 be utilized by the school district or school in implementing a
18 high-quality online learning program. Courses obtained from
19 private providers shall be taught by teachers licensed under
20 ~~chapter 272~~ subchapter VII, part 3.

21 Sec. 2552. Section 256.43, subsection 3, Code 2023, is
22 amended to read as follows:

23 3. *Grading.* Grades in online courses shall be based,
24 at a minimum, on whether a student mastered the subject,
25 demonstrated competency, and met the standards established
26 by the school district. Grades shall be conferred only by
27 teachers licensed under ~~chapter 272~~ subchapter VII, part 3.

28 Sec. 2553. Section 256C.3, subsection 2, paragraph a,
29 subparagraph (2), Code 2023, is amended to read as follows:

30 (2) The individual is appropriately licensed under chapter
31 ~~272~~ 256, subchapter VII, part 3, and meets requirements under
32 chapter 284.

33 Sec. 2554. Section 256E.7, subsection 4, paragraph b,
34 subparagraphs (1), (2), and (3), Code 2023, are amended to read
35 as follows:

1 (1) An administrator who holds a valid license under chapter
2 272 256, subchapter VII, part 3.

3 (2) A teacher who holds a valid license under chapter 272
4 256, subchapter VII, part 3.

5 (3) An individual who holds an authorization to be a
6 charter school administrator issued by the board of educational
7 examiners under chapter 272 256, subchapter VII, part 3. The
8 board of educational examiners shall adopt rules for the
9 issuance of such authorizations not later than December 31,
10 2021, and such authorizations shall only be valid for service
11 or employment as a charter school administrator.

12 Sec. 2555. Section 257.11, subsection 3, paragraph c,
13 subparagraph (1), Code 2023, is amended to read as follows:

14 (1) The school district has made every reasonable and good
15 faith effort to employ a teacher licensed under chapter 272
16 256, subchapter VII, part 3, for the science or mathematics
17 unit, as applicable, and is unable to employ such a teacher.
18 For purposes of this paragraph "c", "good faith effort" means
19 the same as defined in section 279.19A, subsection 9.

20 Sec. 2556. Section 260C.48, subsection 1, paragraph a,
21 subparagraph (2), Code 2023, is amended to read as follows:

22 (2) For purposes of subparagraph (1), subparagraph
23 divisions (b) and (c), if the instructor is a licensed
24 practitioner who holds a career and technical endorsement
25 under chapter 272 256, subchapter VII, part 3, relevant work
26 experience in the occupational area includes but is not limited
27 to classroom instruction in a career and technical education
28 subject area offered by a school district or accredited
29 nonpublic school.

30 Sec. 2557. Section 261.1, subsection 2, paragraph d,
31 subparagraph (5), Code 2023, is amended to read as follows:

32 (5) One member shall represent practitioners licensed under
33 chapter 272 256, subchapter VII, part 3. When appointing
34 this member, the governor shall give careful consideration to
35 any person nominated by an Iowa teacher association or other

1 education stakeholder organization.

2 Sec. 2558. Section 261E.4, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. A school district shall ensure that advanced placement
5 course teachers or instructors are appropriately licensed
6 by the board of educational examiners in accordance with
7 chapter ~~272~~ 256, subchapter VII, part 3, and meet the minimum
8 certification requirements of the national organization that
9 administers the advanced placement program.

10 Sec. 2559. Section 261H.2, subsection 3, paragraph b, Code
11 2023, is amended to read as follows:

12 b. If it is determined, after exhaustion of all available
13 administrative and judicial appeals, that a faculty member
14 knowingly and intentionally restricts the protected speech or
15 otherwise penalizes a student in violation of this subsection,
16 the faculty member shall be subject to discipline by the
17 institution through the normal disciplinary processes of the
18 institution, and such discipline may include termination
19 depending on the totality of the facts. If the faculty member
20 is licensed by the board of educational examiners under chapter
21 ~~272~~ 256, subchapter VII, part 3, the board of educational
22 examiners shall conduct a hearing pursuant to section 272.13,
23 and the faculty member may be subject to disciplinary action
24 by the board.

25 Sec. 2560. Section 272.1, Code 2023, is amended to read as
26 follows:

27 **272.1 Definitions.**

28 As used in this part, unless the context otherwise requires:

29 1. "Administrator" means a person who is licensed to
30 coordinate, supervise, or direct an educational program or the
31 activities of other practitioners.

32 2. "Board" means the board of educational examiners.

33 3. "Certificate" means limited recognition to perform
34 instruction and instruction-related duties in school, other
35 than those duties for which practitioners are licensed. A

1 certificate is nonexclusive recognition and does not confer the
2 exclusive authority of a license.

3 ~~4. "Department" means the state department of education.~~

4 ~~5.~~ 4. "License" means the authority that is given to allow
5 a person to legally serve as a practitioner, a school, an
6 institution, or a course of study to legally offer professional
7 development programs, other than those programs offered by
8 practitioner preparation schools, institutions, courses of
9 study, or area education agencies. A license is the exclusive
10 authority to perform these functions.

11 ~~6.~~ 5. "Offense directly relates" refers to either of the
12 following:

13 a. The actions taken in furtherance of an offense are
14 actions customarily performed within the scope of practice of
15 a licensed profession.

16 b. The circumstances under which an offense was committed
17 are circumstances customary to a licensed profession.

18 ~~7.~~ 6. "Para-educator" means a person who is certified to
19 assist a teacher in the performance of instructional tasks to
20 support and assist classroom instruction and related school
21 activities.

22 ~~8.~~ 7. "Practitioner" means an administrator, teacher,
23 or other licensed professional, including an individual who
24 holds a statement of professional recognition, who provides
25 educational assistance to students.

26 ~~9.~~ 8. "Practitioner preparation program" means a program
27 approved by the state board of education which prepares a
28 person to obtain a license as a practitioner.

29 ~~10.~~ 9. "Principal" means a licensed member of a school's
30 instructional staff who serves as an instructional leader,
31 coordinates the process and substance of educational and
32 instructional programs, coordinates the budget of the school,
33 provides formative evaluation for all practitioners and other
34 persons in the school, recommends or has effective authority
35 to appoint, assign, promote, or transfer personnel in a school

1 building, implements the local school board's policy in a
2 manner consistent with professional practice and ethics, and
3 assists in the development and supervision of a school's
4 student activities program.

5 ~~11.~~ 10. "*Professional development program*" means a course or
6 program which is offered by a person or agency for the purpose
7 of providing continuing education for the renewal or upgrading
8 of a practitioner's license.

9 ~~12.~~ 11. "*School*" means a school under section 280.2, an
10 area education agency, and a school operated by a state agency
11 for special purposes.

12 ~~13.~~ 12. "*School administration manager*" means a person
13 who is authorized to assist a school principal in performing
14 noninstructional administrative duties.

15 ~~14.~~ 13. "*School service personnel*" means those persons
16 holding a practitioner's license who provide support services
17 for a student enrolled in school or to practitioners employed
18 in a school.

19 ~~15.~~ 14. "*Student*" means a person who is enrolled in
20 a course of study at a school or practitioner preparation
21 program, or who is receiving direct or indirect assistance from
22 a practitioner.

23 ~~16.~~ 15. "*Superintendent*" means an administrator
24 who promotes, demotes, transfers, assigns, or evaluates
25 practitioners or other personnel, and carries out the policies
26 of a governing board in a manner consistent with professional
27 practice and ethics.

28 ~~17.~~ 16. "*Teacher*" means a licensed member of a school's
29 instructional staff who diagnoses, prescribes, evaluates,
30 and directs student learning in a manner which is consistent
31 with professional practice and school objectives, shares
32 responsibility for the development of an instructional program
33 and any coordinating activities, evaluates or assesses student
34 progress before and after instruction, and who uses the student
35 evaluation or assessment information to promote additional

1 student learning.

2 ~~18.~~ 17. *"Work-based learning program supervisor"* means a
3 person who is certified pursuant to section 272.16 to supervise
4 students' opportunities and experiences related to workplace
5 tours, job shadowing, rotations, mentoring, entrepreneurship,
6 service learning, internships, and apprenticeships.

7 Sec. 2561. Section 272.2, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:

9 The board ~~of educational examiners~~ is created within the
10 higher education division of the department of education to
11 exercise the exclusive authority to:

12 Sec. 2562. Section 272.2, subsection 1, paragraph a, Code
13 2023, is amended to read as follows:

14 a. License practitioners, which includes the authority to
15 establish do all of the following:

16 (1) Establish criteria for the licenses; ~~establish.~~

17 (2) Establish issuance and renewal requirements, provided
18 that a continuing education requirement may be completed by
19 electronic means; ~~create.~~

20 (3) Create application and renewal forms; ~~create.~~

21 (4) Create licenses that authorize different instructional
22 functions or specialties; ~~develop.~~

23 (5) Develop a code of professional rights and
24 responsibilities, practices, and ethics, which shall, among
25 other things, address the all of the following:

26 (a) The failure of a practitioner to fulfill contractual
27 obligations under section 279.13, the. In addressing the
28 failure of a practitioner to fulfill contractual obligations,
29 the board shall consider factors beyond the practitioner's
30 control.

31 (b) The failure of an administrator to protect the safety of
32 staff and students, the.

33 (c) The failure of an administrator to meet mandatory
34 reporter obligations, the.

35 (d) The refusal of a practitioner to implement provisions of

1 an individualized education program or behavioral intervention
2 plan, ~~and habitual.~~

3 (e) Habitual nonparticipation in professional development,
4 ~~and develop.~~

5 (f) The development of any other classifications,
6 distinctions, and procedures which may be necessary to exercise
7 licensing duties. ~~In addressing the failure of a practitioner~~
8 ~~to fulfill contractual obligations, the board shall consider~~
9 ~~factors beyond the practitioner's control.~~

10 Sec. 2563. Section 272.2, subsections 4 and 24, Code 2023,
11 are amended to read as follows:

12 4. Enforce rules adopted by the board through revocation
13 or suspension of a license, or by other disciplinary action
14 against a practitioner or professional development program
15 licensed by the board ~~of educational examiners.~~ The
16 board shall designate who may or shall initiate a licensee
17 disciplinary investigation and a licensee disciplinary
18 proceeding, and who shall prosecute a disciplinary proceeding
19 and under what conditions, and shall state the procedures for
20 review by the board of findings of fact if a majority of the
21 board does not hear the disciplinary proceeding. However, in a
22 case alleging failure of a practitioner to fulfill contractual
23 obligations, the person who files a complaint with the board,
24 or the complainant's designee, shall represent the complainant
25 in a disciplinary hearing conducted in accordance with this
26 ~~chapter part.~~

27 24. By August 1, 2021, adopt rules pursuant to chapter 17A,
28 ~~developed in consultation with the department,~~ establishing a
29 statement of professional recognition for behavior analysts
30 licensed under chapter 154D.

31 Sec. 2564. Section 272.2, subsection 7, Code 2023, is
32 amended by striking the subsection.

33 Sec. 2565. Section 272.2, subsection 14, paragraph d, Code
34 2023, is amended to read as follows:

35 d. An applicant for a license or certificate under this

1 ~~chapter part~~ shall demonstrate that the requirements of
2 the license or certificate have been met and the burden of
3 proof shall be on the applicant. However, if the executive
4 director of the board receives notice from the director of the
5 department ~~of education~~ under section 256.9, subsection 17,
6 that an error in the basic education data survey submission
7 resulted in an incorrect determination relating to licensure
8 of a practitioner, the executive director shall initiate
9 corrective action with the board and the findings of the
10 director of the department ~~of education~~ shall be sufficient
11 evidence to correct such error.

12 Sec. 2566. Section 272.3, subsection 1, unnumbered
13 paragraph 1, Code 2023, is amended to read as follows:

14 The board ~~of educational examiners~~ consists of twelve
15 members. Two ~~must~~ shall be members of the general public, one
16 ~~must~~ shall be the director ~~of the department of education~~ or
17 the director's designee, and the remaining nine members ~~must~~
18 shall be licensed practitioners. One of the public members
19 shall have served on a school board. The public members shall
20 never have held a practitioner's license, but shall have a
21 demonstrated interest in education. The nine practitioners
22 shall be selected from the following areas and specialties of
23 the teaching profession:

24 Sec. 2567. Section 272.3, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. A majority of the licensed practitioner members shall
27 be nonadministrative practitioners. Four of the members shall
28 be administrators. Membership of the board shall comply with
29 the requirements of sections 69.16 and 69.16A. A quorum of
30 the board shall consist of six members. Members shall elect a
31 chairperson of the board. Members, except for the director of
32 the department ~~of education~~ or the director's designee, shall
33 be appointed by the governor subject to confirmation by the
34 senate.

35 Sec. 2568. Section 272.4, subsection 1, unnumbered

1 paragraph 1, Code 2023, is amended to read as follows:

2 Members, except for the director ~~of the department of~~
3 ~~education~~ or the director's designee, shall be appointed to
4 serve staggered terms of four years. A member shall not serve
5 more than two consecutive terms, except for the director ~~of the~~
6 ~~department of education~~ or the director's designee, who shall
7 serve until the director's term of office expires. A member of
8 the board, except for the two public members and the director
9 ~~of the department of education~~ or the director's designee,
10 shall hold a valid practitioner's license during the member's
11 term of office. A vacancy exists when any of the following
12 occur:

13 Sec. 2569. Section 272.5, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. The ~~governor~~ director shall appoint an executive
16 director of the board ~~of educational examiners subject to~~
17 ~~confirmation by the senate.~~ The executive director shall
18 possess a background in education licensure and administrative
19 experience ~~and shall serve at the pleasure of the governor.~~
20 The ~~board of educational examiners~~ director shall set the
21 salary of the executive director ~~within the range established~~
22 ~~for the position by the general assembly.~~

23 Sec. 2570. Section 272.9, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. A certificate which was issued by the board ~~of~~
26 ~~educational examiners~~ to a practitioner before July 1, 1989,
27 continues to be in force as long as the certificate complies
28 with the rules and statutes in effect on July 1, 1989.
29 Requirements for the renewal of licenses, under this ~~chapter~~
30 part, do not apply retroactively to renewal of certificates.
31 However, this section does not limit the duties or powers of
32 a school board to select or discharge practitioners or to
33 terminate practitioners' contracts.

34 Sec. 2571. Section 272.9A, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. An administrator formerly employed by an accredited
2 nonpublic school or formerly employed as an administrator in
3 another state or country is exempt from the mentoring and
4 induction requirement under subsection 1 if the administrator
5 can document two years of successful administrator experience
6 and meet or exceed the requirements contained in rules adopted
7 pursuant to this ~~chapter~~ part for endorsement and licensure.
8 However, if an administrator cannot document two years of
9 successful administrator experience when hired by a school
10 district, the administrator shall meet the requirements of
11 subsection 1.

12 Sec. 2572. Section 272.10, subsections 1, 2, and 5, Code
13 2023, are amended to read as follows:

14 1. It is the intent of the general assembly that licensing
15 fees established by the board of ~~educational examiners~~ be
16 sufficient to finance the activities of the board under this
17 ~~chapter~~ part.

18 2. Licensing fees are payable to the treasurer of state and
19 shall be deposited with the executive director of the board.
20 The executive director shall deposit twenty-five percent of
21 the fees collected annually with the treasurer of state and
22 the fees shall be credited to the general fund of the state.
23 The remaining licensing fees collected during the fiscal year
24 shall be retained by and are appropriated to the board for
25 the purposes related to the board's duties. Notwithstanding
26 section 8.33, licensing fees retained by and appropriated to
27 the board pursuant to this section that remain unencumbered or
28 unobligated at the close of the fiscal year shall not revert
29 but shall remain available for expenditure for the activities
30 of the board as provided in this ~~chapter~~ part until the close
31 of the succeeding fiscal year.

32 5. The fees established by the board for the administrative
33 costs of processing complaints and conducting hearings pursuant
34 to section 272.2, subsection 23, may include a fee for personal
35 service by a sheriff, a fee for legal notice when placed in a

1 newspaper, transcription service or court reporter fee, and
 2 other fees assessed as costs by the board. The fees collected
 3 annually in accordance with this subsection shall be retained
 4 by and are appropriated to the board for the purposes related
 5 to the board's duties. Notwithstanding section 8.33, fees
 6 retained by and appropriated to the board pursuant to this
 7 subsection that remain unencumbered or unobligated at the close
 8 of the fiscal year shall not revert but shall remain available
 9 for expenditure for the activities of the board as provided
 10 in this ~~chapter~~ part until the close of the succeeding fiscal
 11 year.

12 Sec. 2573. Section 272.11, Code 2023, is amended to read as
 13 follows:

14 **272.11 Expenditures and refunds.**

15 Expenditures and refunds made by the board under this
 16 ~~chapter~~ part shall be certified by the executive director of
 17 the board to the director of the department of administrative
 18 services, and if found correct, the director of the department
 19 of administrative services shall approve the expenditures and
 20 refunds and draw warrants upon the treasurer of state from the
 21 funds appropriated for that purpose.

22 Sec. 2574. Section 272.12, Code 2023, is amended to read as
 23 follows:

24 **272.12 Para-educator certificates.**

25 The board ~~of educational examiners~~ shall adopt rules
 26 pursuant to chapter 17A relating to a voluntary certification
 27 system for para-educators. The rules shall specify rights,
 28 responsibilities, levels, and qualifications for the
 29 certificate. Applicants shall be disqualified for any reason
 30 specified in section 272.2, subsection 14, or in administrative
 31 rule. Notwithstanding section 272.2, subsection 14, paragraph
 32 "b", subparagraph (2), the board may issue a para-educator
 33 certificate to a person who is at least eighteen years of age.
 34 A person holding a para-educator certificate shall not perform
 35 the duties of a licensed practitioner. A certificate issued

1 pursuant to this ~~chapter~~ part shall not be considered a teacher
2 or administrator license for any purpose specified by law,
3 including the purposes specified under this ~~chapter~~ part or
4 chapter 279.

5 Sec. 2575. Section 272.15, subsections 2 and 4, Code 2023,
6 are amended to read as follows:

7 2. If, in the course of performing official duties, an
8 employee of the department becomes aware of any alleged
9 misconduct by an individual licensed under this ~~chapter~~ part,
10 the employee shall report the alleged misconduct to the board
11 ~~of educational examiners~~ under rules adopted pursuant to
12 subsection 1.

13 4. If the executive director of the board verifies through
14 a review of official records that a teacher who holds a
15 practitioner's license under this ~~chapter~~ part is assigned
16 instructional duties for which the teacher does not hold the
17 appropriate license or endorsement, either by grade level or
18 subject area, by a school district or accredited nonpublic
19 school, the executive director may initiate a complaint
20 against the teacher and the administrator responsible for the
21 inappropriate assignment of instructional duties.

22 Sec. 2576. Section 272.16, subsections 1, 2, and 3, Code
23 2023, are amended to read as follows:

24 1. The board ~~of educational examiners~~ shall adopt rules
25 pursuant to chapter 17A relating to a certification system
26 for work-based learning program supervisors. The rules shall
27 specify rights, responsibilities, levels, and qualifications
28 for the certificate. The certificate shall not require more
29 than fifteen contact hours, which shall be available over
30 the internet and which shall provide instruction related to
31 fundamentals in career education, curriculum, assessment, and
32 the evaluation of student participation.

33 2. Applicants shall be disqualified for any reason
34 specified in section 272.2, subsection 14, or in rules adopted
35 by the board ~~of educational examiners~~.

1 3. A certificate issued pursuant to this section shall
2 not be considered a teacher or administrator license for any
3 purpose specified by law, including the purposes specified
4 under this ~~chapter~~ part or chapter 279.

5 Sec. 2577. Section 272.20, Code 2023, is amended to read as
6 follows:

7 **272.20 National certification.**

8 The board ~~of educational examiners~~ shall review the
9 standards for teacher's certificates adopted by the national
10 board for professional teaching standards, a nonprofit
11 corporation created as a result of recommendations of the
12 task force on teaching as a profession of the Carnegie
13 forum on education and the economy. In those cases in
14 which the standards required by the national board for an
15 Iowa endorsement or license meet or exceed the requirements
16 contained in rules adopted under this ~~chapter~~ part for that
17 endorsement or license, the board ~~of educational examiners~~
18 shall issue endorsements or licenses to holders of certificates
19 issued by the national board who request the endorsement or
20 license.

21 Sec. 2578. Section 272.28, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. A teacher from an accredited nonpublic school or another
24 state or country is exempt from the requirement of subsection 1
25 if the teacher can document three years of successful teaching
26 experience and meet or exceed the requirements contained in
27 rules adopted under this ~~chapter~~ part for endorsement and
28 licensure.

29 Sec. 2579. Section 272.29, Code 2023, is amended to read as
30 follows:

31 **272.29 Annual administrative rules review — triennial**
32 **report.**

33 The executive director of the board shall annually review
34 the administrative rules adopted pursuant to this ~~chapter~~ part
35 and related state laws. The executive director shall submit

1 the executive director's findings and recommendations in a
2 report every three years to the board and the general assembly
3 by January 15.

4 Sec. 2580. Section 272C.15, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. Notwithstanding any other provision of law to the
7 contrary, except for chapter ~~272~~ 256, subchapter VII, part 3, a
8 person's conviction of a crime may be grounds for the denial,
9 revocation, or suspension of a license only if an unreasonable
10 risk to public safety exists because the offense directly
11 relates to the duties and responsibilities of the profession
12 and the appropriate licensing board, agency, or department does
13 not grant an exception pursuant to subsection 4.

14 Sec. 2581. Section 273.3, subsections 11 and 25, Code 2023,
15 are amended to read as follows:

16 11. Employ personnel to carry out the functions of the
17 area education agency which shall include the employment of an
18 administrator who shall possess a license issued under chapter
19 ~~272~~ 256, subchapter VII, part 3. The administrator shall
20 be employed pursuant to section 279.20 and sections 279.23,
21 279.24, and 279.25. The salary for an area education agency
22 administrator shall be established by the board based upon
23 the previous experience and education of the administrator.
24 Section 279.13 applies to the area education agency board
25 and to all teachers employed by the area education agency.
26 Sections 279.23, 279.24, and 279.25 apply to the area education
27 board and to all administrators employed by the area education
28 agency. Section 279.69 applies to the area education agency
29 board and employees of the board, including part-time,
30 substitute, or contract employees, who provide services to a
31 school or school district.

32 25. Require, by July 1, 2024, any person employed by
33 the area education agency who holds a license, certificate,
34 statement of recognition, or authorization other than a
35 coaching authorization, issued by the board of educational

1 examiners under chapter ~~272~~ 256, subchapter VII, part 3, to
2 complete the Iowa reading research center dyslexia overview
3 module. Such persons employed after July 1, 2024, shall
4 complete the module within one year of the employee's initial
5 date of hire.

6 Sec. 2582. Section 279.13, subsection 1, paragraph b,
7 subparagraph (1), Code 2023, is amended to read as follows:

8 (1) Prior to entering into an initial contract with a
9 teacher who holds a license other than an initial license
10 issued by the board of educational examiners under chapter ~~272~~
11 256, subchapter VII, part 3, the school district shall initiate
12 a state criminal history record check of the applicant through
13 the division of criminal investigation of the department of
14 public safety, submit the applicant's fingerprints to the
15 division for submission to the federal bureau of investigation
16 for a national criminal history record check, and review the
17 sex offender registry information under section 692A.121
18 available to the general public, the central registry for
19 child abuse information established under section 235A.14, and
20 the central registry for dependent adult abuse information
21 established under section 235B.5 for information regarding the
22 applicant for employment as a teacher.

23 Sec. 2583. Section 279.19B, subsection 1, paragraph a,
24 unnumbered paragraph 1, Code 2023, is amended to read as
25 follows:

26 The board of directors of a school district may employ for
27 head coach of any interscholastic athletic activities or for
28 assistant coach of any interscholastic athletic activity, an
29 individual who possesses a coaching authorization issued by the
30 board of educational examiners or possesses a teaching license
31 with a coaching endorsement issued pursuant to chapter ~~272~~ 256,
32 subchapter VII, part 3. However, a board of directors of a
33 school district shall consider applicants with qualifications
34 described below, in the following order of priority:

35 Sec. 2584. Section 279.50A, subsection 1, paragraph a, Code

1 2023, is amended to read as follows:

2 a. The school district has made every reasonable and
3 good faith effort to employ a teacher licensed under chapter
4 272 256, subchapter VII, part 3, for the unit of science or
5 mathematics, as applicable, and is unable to employ such a
6 teacher. For purposes of this subsection, "*good faith effort*"
7 means the same as defined in section 279.19A, subsection 9.

8 Sec. 2585. Section 279.72, Code 2023, is amended to read as
9 follows:

10 **279.72 Training on dyslexia.**

11 By July 1, 2024, the board of directors of a school
12 district shall require all persons employed by the school
13 district who hold a teaching license with an endorsement
14 for prekindergarten, prekindergarten or elementary special
15 education, or prekindergarten through grade three levels
16 issued under chapter 272 256, subchapter VII, part 3, all
17 practitioners and paraprofessionals assigned as Title I
18 teachers and Title I paraprofessionals under the federal Every
19 Student Succeeds Act, Pub. L. No. 114-95, and all practitioners
20 endorsed to teach English as a second language to complete the
21 Iowa reading research center dyslexia overview module. Such
22 persons employed by the school district after July 1, 2024,
23 shall complete the module within one year of the employee's
24 initial date of hire.

25 Sec. 2586. Section 279.73, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. If the board of directors of the school district or
28 a court finds that an employee of the school district who
29 holds a license, certificate, statement of recognition, or
30 authorization issued by the board of educational examiners
31 under chapter 272 256, subchapter VII, part 3, discriminated
32 against a student or employee in violation of this section,
33 the employee found to be in violation under this section shall
34 be subject to a hearing conducted by the board of educational
35 examiners pursuant to section 272.2, subsection 14, which may

1 result in disciplinary action and the employee's employment may
2 be terminated.

3 Sec. 2587. Section 284.2, subsections 1, 7, and 11, Code
4 2023, are amended to read as follows:

5 1. "*Beginning teacher*" means an individual serving under
6 an initial or intern license, issued under chapter ~~272~~ 256,
7 subchapter VII, part 3, who is assuming a position as a
8 teacher. "*Beginning teacher*" includes an individual who is
9 an initial teacher. For purposes of the beginning teacher
10 mentoring and induction program created pursuant to section
11 284.5, "*beginning teacher*" also includes preschool teachers
12 who are licensed under chapter ~~272~~ 256, subchapter VII, part
13 3, and are employed by a school district or area education
14 agency. "*Beginning teacher*" does not include a teacher whose
15 employment with a school district or area education agency is
16 probationary unless the teacher is serving under an initial or
17 teacher intern license issued under chapter ~~272~~ 256, subchapter
18 VII, part 3.

19 7. "*Mentor*" means an individual employed by a school
20 district or area education agency as a teacher or a retired
21 teacher who holds a valid license issued under chapter ~~272~~ 256,
22 subchapter VII, part 3. The individual must have a record of
23 three years of successful teaching practice, must be employed
24 on a nonprobationary basis, and must demonstrate professional
25 commitment to both the improvement of teaching and learning and
26 the development of beginning teachers.

27 11. "*Teacher*" means an individual who holds a practitioner's
28 license issued under chapter ~~272~~ 256, subchapter VII, part
29 3, or a statement of professional recognition issued under
30 chapter ~~272~~ 256, subchapter VII, part 3, who is employed in
31 a nonadministrative position by a school district or area
32 education agency pursuant to a contract issued by a board of
33 directors under section 279.13. A teacher may be employed in
34 both an administrative and a nonadministrative position by a
35 board of directors and shall be considered a part-time teacher

1 for the portion of time that the teacher is employed in a
2 nonadministrative position.

3 Sec. 2588. Section 284.10, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. An administrator licensed under chapter ~~272~~ 256,
6 subchapter VII, part 3, who conducts evaluations of teachers
7 for purposes of this chapter shall complete the evaluator
8 training program. A practitioner licensed under chapter ~~272~~
9 256, subchapter VII, part 3, who is not an administrator
10 may enroll in the evaluator training program. Enrollment
11 preference shall be given to administrators. Upon successful
12 completion, the provider shall certify that the administrator
13 or other practitioner is qualified to conduct evaluations
14 for employment, make recommendations for licensure, and make
15 recommendations that a teacher is qualified to advance from one
16 career path level to the next career path level pursuant to
17 this chapter. Certification is for a period of five years and
18 may be renewed.

19 Sec. 2589. Section 284.15, subsection 2, paragraph a,
20 subparagraph (1), Code 2023, is amended to read as follows:

21 (1) The salary for an initial teacher who has successfully
22 completed an approved practitioner preparation program as
23 defined in section 272.1 or holds an initial or intern teacher
24 license issued under chapter ~~272~~ 256, subchapter VII, part 3,
25 shall be at least thirty-three thousand five hundred dollars,
26 which shall also constitute the minimum salary for an Iowa
27 teacher.

28 Sec. 2590. Section 284.15, subsection 2, paragraph b,
29 unnumbered paragraph 1, Code 2023, is amended to read as
30 follows:

31 A career teacher is a teacher who holds a statement of
32 professional recognition issued under chapter ~~272~~ 256,
33 subchapter VII, part 3, or who meets all of the following
34 requirements:

35 Sec. 2591. Section 284.15, subsection 2, paragraph b,

1 subparagraph (2), Code 2023, is amended to read as follows:

2 (2) Holds a valid license issued under chapter ~~272~~ 256,
3 subchapter VII, part 3.

4 Sec. 2592. Section 284.15, subsection 2, paragraphs d and e,
5 Code 2023, are amended to read as follows:

6 *d. Mentor teacher.* A mentor teacher is a teacher who
7 is evaluated by the school district as demonstrating the
8 competencies and superior teaching skills of a mentor teacher,
9 and has been recommended for a one-year assignment as a mentor
10 teacher by a site-based review council appointed pursuant to
11 subsection 4. In addition, a mentor teacher shall hold a
12 valid license issued under chapter ~~272~~ 256, subchapter VII,
13 part 3, participate in teacher professional development as
14 outlined in this chapter, demonstrate continuous improvement in
15 teaching, and possess the skills and qualifications to assume
16 leadership roles. A mentor teacher shall have a teaching load
17 of not more than seventy-five percent student instruction to
18 allow the teacher to mentor other teachers. A school district
19 shall designate at least ten percent of its teachers as mentor
20 teachers, though the district may enter into an agreement with
21 one or more other districts or an area education agency to meet
22 this requirement through a collaborative arrangement. The
23 terms of the teaching contracts issued under section 279.13 to
24 mentor teachers shall exceed by ten days the terms of teaching
25 contracts issued under section 279.13 to career teachers, and
26 the ten additional contract days shall be used to strengthen
27 instructional leadership in accordance with this subsection. A
28 mentor teacher shall receive annually a salary supplement of
29 at least five thousand dollars.

30 *e. Lead teacher.* A lead teacher is a teacher who holds a
31 valid license issued under chapter ~~272~~ 256, subchapter VII,
32 part 3, and has been recommended for a one-year assignment
33 as a lead teacher by a site-based review council appointed
34 pursuant to subsection 4. The recommendation from the council
35 must assert that the teacher possesses superior teaching

1 skills and the ability to lead adult learners. A lead
2 teacher shall assume leadership roles that may include but
3 are not limited to the planning and delivery of professional
4 development activities designed to improve instructional
5 strategies; the facilitation of an instructional leadership
6 team within the lead teacher's building, school district, or
7 other school districts; the mentoring of other teachers; and
8 participation in the evaluation of student teachers. A lead
9 teacher shall have a teaching load of not more than fifty
10 percent student instruction to allow the lead teacher to spend
11 time on co-teaching; co-planning; peer reviews; observing
12 career teachers, model teachers, and mentor teachers; and other
13 duties mutually agreed upon by the superintendent and the lead
14 teacher. A school district shall designate at least five
15 percent of its teachers as lead teachers, though the district
16 may enter into an agreement with one or more other districts
17 or an area education agency to meet this requirement through a
18 collaborative arrangement. The terms of the teaching contracts
19 issued under section 279.13 to lead teachers shall exceed by
20 fifteen days the terms of teaching contracts issued under
21 section 279.13 to career teachers, and the fifteen additional
22 contract days shall be used to strengthen instructional
23 leadership in accordance with this subsection. A lead teacher
24 shall receive annually a salary supplement of at least ten
25 thousand dollars.

26 Sec. 2593. Section 284.16, subsection 1, paragraph a,
27 subparagraphs (1) and (2), Code 2023, are amended to read as
28 follows:

29 (1) Has successfully completed an approved practitioner
30 preparation program as defined in section 272.1 or holds an
31 intern teacher license issued under chapter ~~272~~ 256, subchapter
32 VII, part 3.

33 (2) Holds an initial or intern teacher license issued under
34 chapter ~~272~~ 256, subchapter VII, part 3.

35 Sec. 2594. Section 284.16, subsection 1, paragraph b,

1 unnumbered paragraph 1, Code 2023, is amended to read as
2 follows:

3 A career teacher is a teacher who holds a statement
4 of professional recognition issued under chapter ~~272~~
5 256, subchapter VII, part 3, or who meets the following
6 requirements:

7 Sec. 2595. Section 284.16, subsection 1, paragraph b,
8 subparagraph (3), Code 2023, is amended to read as follows:

9 (3) Holds a valid license issued under chapter ~~272~~ 256,
10 subchapter VII, part 3.

11 Sec. 2596. Section 284A.2, subsections 1, 2, and 7, Code
12 2023, are amended to read as follows:

13 1. "*Administrator*" means an individual holding a
14 professional administrator license issued under chapter ~~272~~
15 256, subchapter VII, part 3, who is employed in a school
16 district administrative position by a school district or area
17 education agency pursuant to a contract issued by a board of
18 directors under section 279.23 and is engaged in instructional
19 leadership. An administrator may be employed in both an
20 administrative and a nonadministrative position by a board of
21 directors and shall be considered a part-time administrator
22 for the portion of time that the individual is employed in an
23 administrative position.

24 2. "*Beginning administrator*" means an individual serving
25 under an administrator license, issued by the board of
26 educational examiners under chapter ~~272~~ 256, subchapter VII,
27 part 3, who is assuming a position as a school district
28 principal or superintendent for the first time.

29 7. "*Mentor*" means an individual employed by a school
30 district or area education agency as a school district
31 administrator or a retired administrator who holds a valid
32 license issued under chapter ~~272~~ 256, subchapter VII, part 3.
33 The individual must have a record of four years of successful
34 administrative experience and must demonstrate professional
35 commitment to both the improvement of teaching and learning and

1 the development of beginning administrators.

2 Sec. 2597. Section 284A.6, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. In cooperation with the administrator's evaluator, the
5 administrator who has a professional administrator license
6 issued by the board of educational examiners pursuant to
7 chapter ~~272~~ 256, subchapter VII, part 3, and is employed
8 by a school district or area education agency in a school
9 district administrative position shall develop an individual
10 administrator professional development plan. The purpose
11 of the plan is to promote individual and group professional
12 development. The individual plan shall be based, at a minimum,
13 on the needs of the administrator, the Iowa standards for
14 school administrators adopted pursuant to section 256.7,
15 subsection 27, and the student achievement goals of the
16 attendance center and the school district as outlined in the
17 comprehensive school improvement plan.

18 Sec. 2598. Section 284A.7, Code 2023, is amended to read as
19 follows:

20 **284A.7 Evaluation requirements for administrators.**

21 A school district shall conduct an annual evaluation of an
22 administrator who holds a professional administrator license
23 issued under chapter ~~272~~ 256, subchapter VII, part 3, for
24 purposes of assisting the administrator in making continuous
25 improvement, documenting continued competence in the Iowa
26 standards for school administrators adopted pursuant to
27 section 256.7, subsection 27, or to determine whether the
28 administrator's practice meets school district expectations.
29 The evaluation shall include, at a minimum, an assessment of
30 the administrator's competence in meeting the Iowa standards
31 for school administrators and the goals of the administrator's
32 individual professional development plan, including supporting
33 documentation or artifacts aligned to the Iowa standards for
34 school administrators and the individual administrator's
35 professional development plan.

1 Sec. 2599. Section 299A.2, Code 2023, is amended to read as
2 follows:

3 **299A.2 Competent private instruction by licensed**
4 **practitioner.**

5 If a licensed practitioner provides competent instruction
6 to a school-age child, the practitioner shall possess a valid
7 license or certificate which has been issued by the state board
8 of educational examiners under chapter ~~272~~ 256, subchapter VII,
9 part 3, and which is appropriate to the ages and grade levels
10 of the children to be taught. Competent private instruction
11 may include but is not limited to a home school assistance
12 program which provides instruction or instructional supervision
13 offered through an accredited nonpublic school or public school
14 district by a teacher, who is employed by the accredited
15 nonpublic school or public school district, who assists and
16 supervises a parent, guardian, or legal custodian in providing
17 instruction to a child. If competent private instruction is
18 provided through a public school district, the child shall be
19 enrolled and included in the basic enrollment of the school
20 district as provided in section 257.6. Sections 299A.3 through
21 299A.7 do not apply to competent private instruction provided
22 by a licensed practitioner under this section. However, the
23 reporting requirement contained in section 299A.3, subsection
24 1, shall apply to competent private instruction provided by
25 licensed practitioners that is not part of a home school
26 assistance program offered through an accredited nonpublic
27 school or public school district.

28 Sec. 2600. Section 622.10, subsection 8, Code 2023, is
29 amended to read as follows:

30 8. A qualified school guidance counselor, who is licensed
31 by the board of educational examiners under chapter ~~272~~ 256,
32 subchapter VII, part 3, and who obtains information by reason
33 of the counselor's employment as a qualified school guidance
34 counselor, shall not be allowed, in giving testimony, to
35 disclose any confidential communications properly entrusted

1 to the counselor by a pupil or the pupil's parent or guardian
2 in the counselor's capacity as a qualified school guidance
3 counselor and necessary and proper to enable the counselor to
4 perform the counselor's duties as a qualified school guidance
5 counselor.

6 Sec. 2601. Section 709.15, subsection 1, paragraph g,
7 subparagraph (1), subparagraph divisions (a) and (b), Code
8 2023, are amended to read as follows:

9 (a) A person who holds a license, certificate, or statement
10 of professional recognition issued under chapter ~~272~~ 256,
11 subchapter VII, part 3.

12 (b) A person who holds an authorization issued under chapter
13 ~~272~~ 256, subchapter VII, part 3.

14 Sec. 2602. Section 714.19, subsection 4, Code 2023, is
15 amended to read as follows:

16 4. Private and nonprofit elementary or secondary schools
17 recognized by the department of education or the board of
18 directors of a school district for the purpose of complying
19 with chapter 299 and employing teachers licensed under chapter
20 ~~272~~ 256, subchapter VII, part 3.

21 Sec. 2603. CODE EDITOR DIRECTIVE.

22 1. The Code editor is directed to make the following
23 transfers:

- 24 a. Section 272.1 to section 256.145.
- 25 b. Section 272.2 to section 256.146.
- 26 c. Section 272.3 to section 256.147.
- 27 d. Section 272.4 to section 256.148.
- 28 e. Section 272.5 to section 256.149.
- 29 f. Section 272.6 to section 256.150.
- 30 g. Section 272.7 to section 256.151.
- 31 h. Section 272.8 to section 256.152.
- 32 i. Section 272.9 to section 256.153.
- 33 j. Section 272.9A to section 256.154.
- 34 k. Section 272.10 to section 256.155.
- 35 l. Section 272.11 to section 256.156.

- 1 m. Section 272.12 to section 256.157.
- 2 n. Section 272.13 to section 256.158.
- 3 o. Section 272.14 to section 256.159.
- 4 p. Section 272.15 to section 256.160.
- 5 q. Section 272.16 to section 256.161.
- 6 r. Section 272.20 to section 256.162.
- 7 s. Section 272.28 to section 256.163.
- 8 t. Section 272.29 to section 256.164.
- 9 u. Section 272.31 to section 256.165.

10 2. The Code editor shall correct internal references in the
11 Code and in any enacted legislation as necessary due to the
12 enactment of this section.

13 3. The Code editor may designate sections 256.145 through
14 256.165, as enacted in this division of this Act, as new part 3
15 entitled "Board of Educational Examiners" within the subchapter
16 entitled "Higher Education Division" as enacted by another
17 division of this Act.

18 Sec. 2604. TRANSITION PROVISIONS.

19 1. Any license, certificate, or authorization issued by
20 the board of education examiners pursuant to chapter 272 prior
21 to the effective date of this division of this Act is valid
22 and shall continue as provided in the terms of the license,
23 certificate, or authorization.

24 2. Federal funds utilized by the board of educational
25 examiners prior to the effective date of this division of this
26 Act to employ personnel necessary for the administration of the
27 board of educational examiners' programs shall be applied to
28 and be available for the transfer of such personnel from the
29 board of educational examiners to the higher education division
30 of the department of education.

31 Sec. 2605. APPLICABILITY. This division of this Act applies
32 to individuals appointed as the executive director of the board
33 of educational examiners before, on, or after the effective
34 date of this division of this Act.

35 COLLEGE STUDENT AID COMMISSION

1 Sec. 2606. Section 8A.504, subsection 1, paragraph d,
2 subparagraph (2), Code 2023, is amended to read as follows:

3 (2) An amount that is due because of a default on a loan
4 under chapter ~~261~~ 256, subchapter VII, part 4.

5 Sec. 2607. Section 8A.504, subsection 4, Code 2023, is
6 amended to read as follows:

7 4. The director shall have the authority to enter into
8 reciprocal agreements with the departments of revenue of other
9 states that have enacted legislation that is substantially
10 equivalent to the setoff procedure provided in this section for
11 the recovery of an amount due because of a default on a loan
12 under chapter ~~261~~ 256, subchapter VII, part 4. A reciprocal
13 agreement shall also be approved by the college student aid
14 commission. The agreement shall authorize the department to
15 provide by rule for the setoff of state income tax refunds
16 or rebates of defaulters from states with which Iowa has a
17 reciprocal agreement and to provide for sending lists of
18 names of Iowa defaulters to the states with which Iowa has
19 a reciprocal agreement for setoff of that state's income tax
20 refunds.

21 Sec. 2608. Section 261.1, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. There is hereby created within the higher education
24 division of the department a commission to be known as the
25 "*College Student Aid Commission*" of the state of Iowa.

26 Sec. 2609. Section 261.1, subsection 2, paragraphs a and b,
27 Code 2023, are amended to read as follows:

28 a. A member of the state board of regents to be named by the
29 state board of regents, or the executive director of the state
30 board of regents if so appointed by the state board of regents,
31 who shall serve for a four-year term or until the expiration
32 of the member's term of office.

33 b. The director of the department ~~of education~~ or the
34 director's designee.

35 Sec. 2610. Section 261.1, subsection 4, paragraph a, Code

1 2023, is amended to read as follows:

2 a. Vacancies on the commission shall be filled for the
3 unexpired term of such vacancies, if applicable, in the same
4 manner as the original appointment.

5 Sec. 2611. Section 261.1, Code 2023, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5. The director shall appoint an executive
8 director of the commission. The director shall set the salary
9 of the executive director.

10 Sec. 2612. Section 261.2, subsection 2, Code 2023, is
11 amended to read as follows:

12 2. Administer the tuition grant program under this ~~chapter~~
13 part.

14 Sec. 2613. Section 261.3, Code 2023, is amended to read as
15 follows:

16 **261.3 Organization — bylaws.**

17 ~~1. The commission is an autonomous state agency which is~~
18 ~~attached to the department of education for organizational~~
19 ~~purposes only.~~

20 ~~2. 1.~~ The commission, under the authority of the higher
21 education division of the department, shall determine its
22 ~~own organization,~~ draw up its own bylaws, adopt rules under
23 chapter 17A, and do such other things as may be necessary
24 and incidental in the administration of this ~~chapter~~ part,
25 including the housing, ~~employment,~~ and fixing the ~~compensation~~
26 ~~and~~ bond of persons required to carry out its functions and
27 responsibilities. A decision of the commission is final agency
28 action under chapter 17A.

29 ~~3. 2.~~ The commission shall function at the seat of
30 government or such other place as it the commission might
31 designate.

32 Sec. 2614. Section 261.5, subsection 2, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

34 Notwithstanding any other provision of this ~~chapter~~ part, in
35 the event of a national emergency declared by the president of

1 the United States by reason of terrorist attack, the commission
2 may waive or modify any statutory or regulatory provision
3 applicable to state financial aid programs established pursuant
4 to this ~~chapter~~ part to ensure, with regard to affected
5 individuals, that the following occurs:

6 Sec. 2615. Section 261.5, subsection 3, Code 2023, is
7 amended to read as follows:

8 3. Notwithstanding any other provision of this ~~chapter~~
9 part, in the event of a national emergency declared by the
10 president of the United States by reason of terrorist attack,
11 the commission may grant temporary relief from requirements
12 rendered infeasible or unreasonable, including due diligence
13 requirements and reporting deadlines, by the national
14 emergency, to an institution of higher education under the
15 state board of regents, a community college, an accredited
16 private institution as defined in section 261.9, eligible
17 lenders, and other entities participating in the state student
18 assistance programs in accordance with this ~~chapter~~ part, that
19 are located in, or whose operations are directly affected
20 by, areas that are declared disaster areas by any federal,
21 state, or local official in connection with the national
22 emergency. If the commission issues a waiver in accordance
23 with this section, the report prepared by the commission
24 pursuant to section 17A.9A, subsection 5, shall include
25 examples of measures that a postsecondary institution may take
26 in the appropriate exercise of discretion, as provided in 20
27 U.S.C. §1087tt, to adjust financial need and aid eligibility
28 determinations for affected individuals.

29 Sec. 2616. Section 261.9, unnumbered paragraph 1, Code
30 2023, is amended to read as follows:

31 When used in this ~~subchapter~~ subpart, unless the context
32 otherwise requires:

33 Sec. 2617. Section 261.9, subsection 1, paragraph b, Code
34 2023, is amended to read as follows:

35 b. Is accredited by the higher learning commission, is

1 exempt from taxation under section 501(c)(3) of the Internal
 2 Revenue Code, and annually provides a matching aggregate amount
 3 of institutional financial aid equal to at least seventy-five
 4 percent of the amount received in a fiscal year by the
 5 institution's students for Iowa tuition grant assistance under
 6 this ~~chapter~~ part. Commencing with the fiscal year beginning
 7 July 1, 2006, the matching aggregate amount of institutional
 8 financial aid shall increase by the percentage of increase each
 9 fiscal year of funds appropriated for Iowa tuition grants under
 10 section 261.25, subsection 1, to a maximum match of one hundred
 11 percent. The institution shall file annual reports with the
 12 commission prior to receipt of tuition grant moneys under this
 13 ~~chapter~~ part. An institution whose income is not exempt from
 14 taxation under section 501(c) of the Internal Revenue Code and
 15 whose students were eligible to receive Iowa tuition grant
 16 money in the fiscal year beginning July 1, 2003, shall meet the
 17 match requirements of this paragraph no later than June 30,
 18 2005.

19 Sec. 2618. Section 261.9, subsection 8, Code 2023, is
 20 amended to read as follows:

21 8. "*Tuition grant*" means an award by the state of Iowa to a
 22 qualified student under this ~~subchapter~~ subpart.

23 Sec. 2619. Section 261.15, subsection 2, Code 2023, is
 24 amended to read as follows:

25 2. Adopt rules and regulations for determining financial
 26 need, defining tuition and mandatory fees, defining residence
 27 for the purposes of this ~~subchapter~~ subpart, processing and
 28 approving applications for tuition grants, and determining
 29 priority of grants. The commission may provide for proration
 30 of funds if the available funds are insufficient to pay all
 31 approved grants. Such proration shall take primary account of
 32 the financial need of the applicant. In determining who is a
 33 resident of Iowa, the commission's rules shall be at least as
 34 restrictive as those of the board of regents.

35 Sec. 2620. Section 261.16A, subsection 7, Code 2023, is

1 amended to read as follows:

2 7. *Reports to commission.* An eligible institution shall
3 file annual reports with the commission, as required by the
4 commission and under section 261.9, prior to receipt of tuition
5 grant moneys under this ~~chapter~~ part.

6 Sec. 2621. Section 261.17, subsection 5, Code 2023, is
7 amended to read as follows:

8 5. A vocational-technical tuition grant shall be awarded
9 on an annual basis, requiring reapplication by the student for
10 each year. Payments under the grant shall be allocated equally
11 among the semesters or quarters of the year upon certification
12 by the institution that the student is in full-time or
13 part-time attendance in a vocational-technical or career option
14 program, as defined under rules of the department ~~of education~~.
15 If the student discontinues attendance before the end of any
16 term after receiving payment of the grant, the entire amount of
17 any refund due that student, up to the amount of any payments
18 made under the annual grant, shall be paid by the institution
19 to the state.

20 Sec. 2622. Section 261.20, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. A scholarship and tuition grant reserve fund is created
23 to assure that financial assistance will be available to all
24 students who are awarded scholarships or tuition grants through
25 programs funded under this ~~chapter~~ part. The fund is created
26 as a separate fund in the state treasury, and moneys in the
27 fund shall not revert to the general fund unless, and then
28 only to the extent that, the funds exceed the maximum allowed
29 balance.

30 Sec. 2623. Section 261.35, unnumbered paragraph 1, Code
31 2023, is amended to read as follows:

32 As used in this ~~subchapter~~ subpart, unless the context
33 otherwise requires:

34 Sec. 2624. Section 261.36, unnumbered paragraph 1, Code
35 2023, is amended to read as follows:

1 The commission shall have necessary powers to carry out its
2 purposes and duties under this ~~subchapter~~ subpart, including
3 but not limited to the power to:

4 Sec. 2625. Section 261.37, unnumbered paragraph 1, Code
5 2023, is amended to read as follows:

6 The duties of the commission under this ~~subchapter~~ subpart
7 shall be as follows:

8 Sec. 2626. Section 261.37, subsections 5 and 7, Code 2023,
9 are amended to read as follows:

10 5. To adopt rules pursuant to chapter 17A to implement
11 the provisions of this ~~subchapter~~ subpart, including
12 establishing standards for educational institutions, lenders,
13 and individuals to become eligible institutions, lenders, and
14 borrowers. Notwithstanding any contrary provisions in chapter
15 537, the rules and standards established shall be consistent
16 with the requirements provided in the Higher Education Act of
17 1965.

18 7. To establish an effective system for the collection of
19 delinquent loans, including the adoption of an agreement with
20 the department of administrative services to set off against
21 a defaulter's income tax refund or rebate the amount that is
22 due because of a default on a loan made under this ~~subchapter~~
23 subpart. The commission shall adopt rules under chapter 17A
24 necessary to assist the department of administrative services
25 in the implementation of the student loan setoff program as
26 established under section 8A.504. The commission shall apply
27 administrative wage garnishment procedures authorized under the
28 federal Higher Education Act of 1965, as amended and codified
29 in 20 U.S.C. §1071 et seq., for all delinquent loans, including
30 loans authorized under section 261.38, when a defaulter who is
31 financially capable of paying fails to voluntarily enter into a
32 reasonable payment agreement. In no case shall the commission
33 garnish more than the amount authorized by federal law for
34 all loans being collected by the commission, including those
35 authorized under section 261.38.

1 Sec. 2627. Section 261.42, Code 2023, is amended to read as
2 follows:

3 **261.42 Short title.**

4 This ~~subchapter~~ subpart shall be known and may be cited as
5 the "*Iowa Guaranteed Loan Program*".

6 Sec. 2628. Section 261.43A, Code 2023, is amended to read
7 as follows:

8 **261.43A Security interest in education loans.**

9 A nonprofit organization qualifying for tax-exempt status
10 under the Internal Revenue Code, as defined in section 422.3,
11 that provides or acquires education loans in the organization's
12 normal course of business shall, notwithstanding any contrary
13 provision of chapter 554 or other state law, establish and
14 perfect a security interest and establish priority over other
15 security interests in such education loans by filing in the
16 same manner as provided for perfecting a security interest in
17 a student loan pursuant to 20 U.S.C. §1082(m)(1)(E). This
18 section applies to education loans provided under this ~~chapter~~
19 part by such nonprofit organizations and other education loans
20 provided by such nonprofit organizations.

21 Sec. 2629. Section 261.87, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 As used in this ~~subchapter~~ subpart, unless the context
24 otherwise requires:

25 Sec. 2630. Section 261.102, subsection 7, Code 2023, is
26 amended to read as follows:

27 7. "*Program*" means the Iowa minority academic grants
28 for economic success program established in this ~~subchapter~~
29 subpart.

30 Sec. 2631. Section 261.110, subsections 1 and 5, Code 2023,
31 are amended to read as follows:

32 1. A teach Iowa scholar program is established to provide
33 teach Iowa scholar grants to selected high-caliber teachers.
34 ~~The commission shall administer the program in collaboration~~
35 ~~with the department of education.~~

1 5. The commission, ~~in collaboration with the department~~
2 ~~of education~~, shall adopt rules pursuant to chapter 17A to
3 administer this section. The rules shall include but shall not
4 be limited to a process for use by the commission to determine
5 which eligible applicants will receive teach Iowa scholar
6 grants.

7 Sec. 2632. Section 261.110, subsection 3, paragraph a, Code
8 2023, is amended to read as follows:

9 a. The applicant was in the top twenty-five percent
10 academically of students exiting a teacher preparation program
11 approved by the state board ~~of education~~ pursuant to section
12 256.7, subsection 3, or a similar teacher preparation program
13 in another state, or had earned other comparable academic
14 credentials.

15 Sec. 2633. Section 261.111, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. The director ~~of the department of education~~ shall
18 annually designate the areas in which teacher shortages are
19 anticipated. The director shall periodically conduct a survey
20 of school districts, accredited nonpublic schools, and approved
21 practitioner preparation programs to determine current shortage
22 areas and predict future shortage areas.

23 Sec. 2634. Section 261.112, subsections 1 and 2, Code 2023,
24 are amended to read as follows:

25 1. A teacher shortage loan forgiveness program is
26 established to be administered by the commission. A teacher
27 is eligible for the program if the teacher is practicing in
28 a teacher shortage area as designated by the department ~~of~~
29 ~~education~~ pursuant to subsection 2. A person is ineligible
30 for this program if the person receives a grant under section
31 261.110 or a forgivable loan under section 261.111. For
32 purposes of this section, "teacher" means an individual holding
33 a practitioner's license issued under ~~chapter 272~~ part 3, who
34 is employed in a nonadministrative position in a designated
35 shortage area by a school district or area education agency

1 pursuant to a contract issued by a board of directors under
2 section 279.13.

3 2. The director ~~of the department of education~~ shall
4 annually designate the geographic or subject areas experiencing
5 teacher shortages. The director shall periodically conduct a
6 survey of school districts, accredited nonpublic schools, and
7 approved practitioner preparation programs to determine current
8 shortage areas.

9 Sec. 2635. Section 261.130, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. Skilled workforce shortage tuition grants shall be
12 awarded only to students pursuing a career-technical or career
13 option program in an industry identified as having a shortage
14 of skilled workers by a community college after conducting a
15 regional skills gap analysis or as being a high-demand job by
16 the department of workforce development in the ~~department's~~
17 department of workforce development's most recent list of
18 high-demand jobs. If a community college no longer identifies
19 the industry as having a shortage of skilled workers or the
20 department of workforce development no longer identifies the
21 industry as a high-demand job, an eligible student who received
22 a grant for a career-technical or career option program based
23 on that identification shall continue to receive the grant
24 until achieving a postsecondary credential, up to an associate
25 degree, as long as the student is continuously enrolled in
26 that program and continues to meet all other eligibility
27 requirements.

28 Sec. 2636. Section 261.131, subsection 1, paragraph b, Code
29 2023, is amended to read as follows:

30 *b. "Approved state-recognized work-based learning program"*
31 means a structured educational and training program that
32 includes authentic worksite training and is approved by the
33 ~~department of education~~ according to a process established
34 under rules adopted pursuant to section 256.7, subsection 34.

35 Sec. 2637. Section 261.132, subsection 1, paragraph c, Code

1 2023, is amended to read as follows:

2 *c. "Eligible program"* means a program of study or an
 3 academic major jointly approved by the commission and the
 4 department of workforce development, in consultation with the
 5 eligible institution, that leads to a bachelor's degree aligned
 6 with a high-demand job designated by the workforce development
 7 board pursuant to section 84A.1B, subsection 14. If the
 8 department of workforce development removes a high-demand job
 9 from the list created under section 84A.1B, subsection 14, an
 10 eligible student who received a grant for a program based on
 11 that high-demand job shall continue to receive the grant until
 12 achieving a bachelor's degree as long as the student continues
 13 to meet all other eligibility requirements.

14 Sec. 2638. Section 261B.11A, subsection 1, Code 2023, is
 15 amended to read as follows:

16 1. Students attending schools required to register under
 17 this chapter are ineligible for state student financial aid
 18 programs established under chapter ~~261~~ 256, subchapter VII,
 19 part 4.

20 Sec. 2639. Section 261F.1, subsection 5, paragraph e, Code
 21 2023, is amended to read as follows:

22 *e.* State education grants, scholarships, or financial aid
 23 funds administered under chapter ~~261~~ 256, subchapter VII, part
 24 4.

25 Sec. 2640. Section 261G.4, subsections 1, 2, and 5, Code
 26 2023, are amended to read as follows:

27 1. Notwithstanding any other provision of law to the
 28 contrary, a participating nonresident institution shall not
 29 be required to register under chapter 261B or to comply with
 30 the registration and disclosure requirements of chapter ~~261~~
 31 256, subchapter VII, part 4, or chapter 261B or section 714.17,
 32 subsections 2 and 3, or sections 714.18, 714.20, 714.21, and
 33 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or
 34 section 714.25, if the provisions of an interstate reciprocity
 35 agreement prohibit such registration or compliance.

1 2. Notwithstanding any other provision of law to the
2 contrary, a participating resident institution shall be
3 required to register under chapter 261B or to comply with the
4 registration and disclosure requirements of chapter ~~261~~ 256,
5 subchapter VII, part 4, or chapter 261B or section 714.17,
6 subsections 2 and 3, or sections 714.18, 714.20, 714.21, and
7 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or
8 section 714.25, if the provisions of the interstate reciprocity
9 agreement require such registration or compliance.

10 5. Students attending a participating nonresident
11 institution are ineligible for state student financial aid
12 programs established under ~~chapter 261~~ 256, subchapter VII,
13 part 4.

14 Sec. 2641. CODE EDITOR DIRECTIVE.

15 1. The Code editor is directed to make the following
16 transfers:

- 17 a. Section 261.1 to section 256.176.
- 18 b. Section 261.2 to section 256.177.
- 19 c. Section 261.3 to section 256.178.
- 20 d. Section 261.4 to section 256.179.
- 21 e. Section 261.5 to section 256.180.
- 22 f. Section 261.7 to section 256.181.
- 23 g. Section 261.8 to section 256.182.
- 24 h. Section 261.9 to section 256.183.
- 25 i. Section 261.10 to section 256.184.
- 26 j. Section 261.11 to section 256.185.
- 27 k. Section 261.12 to section 256.186.
- 28 l. Section 261.13 to section 256.187.
- 29 m. Section 261.14 to section 256.188.
- 30 n. Section 261.15 to section 256.189.
- 31 o. Section 261.16 to section 256.190.
- 32 p. Section 261.16A to section 256.191.
- 33 q. Section 261.17 to section 256.192.
- 34 r. Section 261.20 to section 256.193.
- 35 s. Section 261.25 to section 256.194.

1 t. Section 261.35 to section 256.195.
2 u. Section 261.36 to section 256.196.
3 v. Section 261.37 to section 256.197.
4 w. Section 261.38 to section 256.198.
5 x. Section 261.42 to section 256.199.
6 y. Section 261.43 to section 256.200.
7 z. Section 261.43A to section 256.201.
8 aa. Section 261.62 to section 256.202.
9 ab. Section 261.71 to section 256.203.
10 ac. Section 261.72 to section 256.204.
11 ad. Section 261.73 to section 256.205.
12 ae. Section 261.81 to section 256.206.
13 af. Section 261.83 to section 256.207.
14 ag. Section 261.84 to section 256.208.
15 ah. Section 261.85 to section 256.209.
16 ai. Section 261.86 to section 256.210.
17 aj. Section 261.86A to section 256.211.
18 ak. Section 261.87 to section 256.212.
19 al. Section 261.101 to section 256.213.
20 am. Section 261.102 to section 256.214.
21 an. Section 261.103 to section 256.215.
22 ao. Section 261.104 to section 256.216.
23 ap. Section 261.105 to section 256.217.
24 aq. Section 261.110 to section 256.218.
25 ar. Section 261.111 to section 256.219.
26 as. Section 261.112 to section 256.220.
27 at. Section 261.113 to section 256.221.
28 au. Section 261.114 to section 256.222.
29 av. Section 261.115 to section 256.223.
30 aw. Section 261.116 to section 256.224.
31 ax. Section 261.117 to section 256.225.
32 ay. Section 261.120 to section 256.226.
33 az. Section 261.130 to section 256.227.
34 ba. Section 261.131 to section 256.228.
35 bb. Section 261.132 to section 256.229.

1 2. The Code editor shall correct internal references in the
2 Code and in any enacted legislation as necessary due to the
3 enactment of this section.

4 3. a. The Code editor may designate sections 256.176
5 through 256.229, as enacted in this division of this Act, as
6 new part 4 entitled "College Student Aid Commission" within the
7 subchapter entitled "Higher education division" as enacted by
8 another division of this Act.

9 b. The Code editor shall designate sections 256.176 through
10 256.229 into the following subparts:

11 (1) Sections 256.176 through 256.182 shall be designated as
12 subpart A and entitled "General Provisions".

13 (2) Sections 256.183 through 256.194 shall be designated as
14 subpart B and entitled "Tuition Grants to Students".

15 (3) Sections 256.195 through 256.201 shall be designated as
16 subpart C and entitled "Iowa Guaranteed Loan Program".

17 (4) Section 256.202 shall be designated as subpart D and
18 entitled "Iowa State Fair Scholarship".

19 (5) Sections 256.203 through 256.205 shall be designated
20 as subpart E and entitled "Chiropractic Graduate Student
21 Forgivable Loan Program".

22 (6) Sections 256.206 through 256.209 shall be designated as
23 subpart F and entitled "Work-Study Program".

24 (7) Sections 256.210 through 256.211 shall be designated as
25 subpart G and entitled "National Guard Educational Assistance".

26 (8) Section 256.212 shall be designated as subpart H and
27 entitled "All Iowa Opportunity Scholarships".

28 (9) Sections 256.213 through 256.217 shall be designated as
29 subpart I and entitled "Minority Academic Grants for Economic
30 Success".

31 (10) Sections 256.218 through 256.220 shall be designated
32 as subpart J and entitled "Teach Iowa Scholar Grants and
33 Teacher Shortage Forgivable Loan and Loan Forgiveness
34 Programs".

35 (11) Sections 256.221 through 256.226 shall be designated

1 as subpart K and entitled "Other Loan Repayment and Forgiveness
2 Programs — Health Professions".

3 (12) Sections 256.227 through 256.229 shall be designated
4 as subpart L and entitled "Skilled Workforce Shortage Tuition
5 Grant Program".

6 Sec. 2642. TRANSITION PROVISIONS.

7 1. Any scholarship, loan, or grant awarded under a
8 program administered by the college student aid commission in
9 accordance with chapter 261 prior to the effective date of this
10 division of this Act is valid and shall continue as provided in
11 the terms of the scholarship, loan, or grant.

12 2. Federal funds utilized by the college student aid
13 commission prior to the effective date of this division of this
14 Act to employ personnel necessary for the administration of the
15 college student aid commission's programs shall be applied to
16 and be available for the transfer of such personnel from the
17 college student aid commission to the higher education division
18 of the department of education.

19 Sec. 2643. APPLICABILITY. This division of this Act
20 applies to individuals appointed as the executive director of
21 the college student aid commission before, on, or after the
22 effective date of this division of this Act.

23 COMMUNITY COLLEGES BUREAU

24 Sec. 2644. Section 256.9, subsection 36, Code 2023, is
25 amended by striking the subsection.

26 Sec. 2645. Section 260C.2, Code 2023, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 01. "Bureau" means the community colleges
29 bureau of the higher education division of the department
30 established under section 260C.6.

31 NEW SUBSECTION. 001. "Bureau chief" means the bureau
32 chief of the community colleges bureau of the higher education
33 division of the department.

34 Sec. 2646. Section 260C.5, Code 2023, is amended to read as
35 follows:

1 **260C.5 ~~Duties of director~~ Community colleges bureau — duties**
2 **of bureau chief.**

3 The director shall appoint the bureau chief, and the bureau
4 chief shall direct the work of the personnel as necessary to
5 carry out this chapter. The bureau chief shall do all of the
6 following:

7 1. Designate a community college as an "area career and
8 technical education school" within the meaning of, and for the
9 purpose of administering, the federal Carl D. Perkins Career
10 and Technical Education Improvement Act of 2006. A community
11 college shall not be so designated by the director for the
12 expenditure of funds under 20 U.S.C. §2301 et seq., as amended,
13 which has not been designated and classified as a community
14 college by the state board.

15 2. Change boundaries of director districts in a merged area
16 when the board fails to change boundaries as required by law.

17 3. Make changes in boundaries of merged areas with the
18 approval of the board of directors of each merged area affected
19 by the change. When the boundaries of a merged area are
20 changed, the director ~~of the department of education~~ may
21 authorize the board of directors of the merged area to levy
22 additional taxes upon the property within the merged area, or
23 any part of the merged area, and distribute the taxes so that
24 all parts of the merged area are paying their share toward the
25 support of the college.

26 4. Administer, allocate, and disburse federal or state
27 funds made available to pay a portion of the cost of acquiring
28 sites for and constructing, acquiring, or remodeling facilities
29 for community colleges, and establish priorities for the use
30 of such funds.

31 5. Administer, allocate, and disburse federal or state
32 funds available to pay a portion of the operating costs of
33 community colleges.

34 6. Propose administrative rules to carry out this chapter
35 subject to approval of the state board.

1 7. Enter into contracts with local school boards within the
2 area that have and maintain a career and technical education
3 program and with private schools or colleges in the cooperative
4 or merged areas to provide courses or programs of study in
5 addition to or as a part of the curriculum made available in
6 the community college.

7 8. Make arrangements with boards of merged areas and local
8 school districts to permit students attending high school to
9 participate in career and technical education programs and
10 advanced college placement courses and obtain credit for such
11 participation for application toward the completion of a high
12 school diploma. The granting of credit is subject to the
13 approval of the director ~~of the department of education.~~

14 9. Prescribe a uniform system of accounting for community
15 colleges.

16 10. Ensure that community colleges that provide
17 intercollegiate athletics as a part of their program comply
18 with section 216.9.

19 11. Develop an application and review process for approval
20 of administrative and program sharing agreements between two
21 or more community colleges or a community college and an
22 institution of higher education under the board of regents
23 entered into pursuant to section 260C.46.

24 Sec. 2647. Section 260C.6, Code 2023, is amended to read as
25 follows:

26 **260C.6 Community colleges ~~division in department~~ bureau in**
27 **the higher education division.**

28 A community colleges ~~division~~ bureau shall be established
29 within the higher education division of the department of
30 education. The ~~division~~ bureau shall exercise the powers and
31 perform the duties conferred by law upon the department with
32 respect to community colleges.

33 Sec. 2648. Section 260C.18, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. Federal funds made available and administered by the

1 director of the department ~~of education~~, for purposes provided
2 by federal laws, rules, and regulations.

3 Sec. 2649. Section 260C.46, Code 2023, is amended to read
4 as follows:

5 **260C.46 Program and administrative sharing.**

6 ~~By September 1, 1990, the~~ The department shall establish
7 guidelines and an approval process for program sharing
8 agreements and for administrative sharing agreements entered
9 into by two or more community colleges or by a community
10 college and a higher education institution under the control
11 of the board of regents. Guidelines established shall be
12 designed to increase student access to programs, enhance
13 educational program offerings throughout the state, and enhance
14 interinstitutional cooperation in program offerings.

15 DIVISION XV

16 COMMERCE

17 CONSUMER ADVOCATE

18 Sec. 2650. Section 475A.3, subsections 1 and 3, Code 2023,
19 are amended to read as follows:

20 1. *Office.* The office of consumer advocate shall be a
21 separate division of the department of justice and located at
22 the same location as the utilities ~~division of the department~~
23 ~~of commerce~~ board. Administrative support services may be
24 provided to the consumer advocate division by the ~~department of~~
25 ~~commerce~~ utilities board.

26 3. *Salaries, expenses, and appropriation.* The salary of
27 the consumer advocate shall be fixed by the attorney general
28 within the salary range set by the general assembly. The
29 salaries of employees of the consumer advocate shall be at
30 rates of compensation consistent with current standards in
31 industry. The reimbursement of expenses for the employees and
32 the consumer advocate is as provided by law. The appropriation
33 for the office of consumer advocate shall be a separate line
34 item contained in the appropriation from the ~~department of~~
35 commerce revolving fund created in section 546.12.

1 Sec. 2651. Section 475A.4, Code 2023, is amended to read as
2 follows:

3 **475A.4 Utilities ~~division~~ board records.**

4 The consumer advocate has free access to all the files,
5 records, and documents in the office of the utilities ~~division~~
6 board except:

7 1. Personal information in confidential personnel records
8 of the utilities ~~division~~ board.

9 2. Records which represent and constitute the work product
10 of the general counsel of the utilities board, and records of
11 confidential communications between utilities board members and
12 their general counsel, where the records relate to a proceeding
13 before the board in which the consumer advocate is a party or
14 a proceeding in any state or federal court in which both the
15 board and the consumer advocate are parties.

16 3. Customer information of a confidential nature which
17 could jeopardize the customer's competitive status and
18 is provided by the utility to the ~~division~~ board. Such
19 information shall be provided to the consumer advocate by the
20 ~~division~~ board, if the board determines it to be in the public
21 interest.

22 Sec. 2652. Section 475A.6, Code 2023, is amended to read as
23 follows:

24 **475A.6 Certification of expenses to utilities ~~division~~ board.**

25 1. *a.* The consumer advocate shall determine the advocate's
26 expenses, including a reasonable allocation of general office
27 expenses, directly attributable to the performance of the
28 advocate's duties involving specific persons subject to direct
29 assessment, and shall certify the expenses to the utilities
30 ~~division~~ board not less than quarterly. The expenses shall
31 then be includable in the expenses of the ~~division~~ board
32 subject to direct assessment under section 476.10.

33 *b.* The consumer advocate shall annually, within ninety
34 days after the close of each fiscal year, determine the
35 advocate's expenses, including a reasonable allocation of

1 general office expenses, attributable to the performance of the
2 advocate's duties generally, and shall certify the expenses
3 to the utilities ~~division~~ board. The expenses shall then be
4 includable in the expenses of the ~~division~~ board subject to
5 remainder assessment under section 476.10.

6 2. The consumer advocate is entitled to notice and
7 opportunity to be heard in any utilities board proceeding
8 on objection to an assessment for expenses certified by the
9 consumer advocate. Expenses assessed under this section shall
10 not exceed the amount appropriated for the consumer advocate
11 division of the department of justice.

12 3. The office of consumer advocate may expend additional
13 funds, including funds for outside consultants, if those
14 additional expenditures are actual expenses which exceed
15 the funds budgeted for the performance of the advocate's
16 duties. Before the office expends or encumbers an amount in
17 excess of the funds budgeted, the director of the department
18 of management shall approve the expenditure or encumbrance.
19 Before approval is given, the director of the department of
20 management shall determine that the expenses exceed the funds
21 budgeted by the general assembly to the office of consumer
22 advocate and that the office does not have other funds from
23 which such expenses can be paid. Upon approval of the director
24 of the department of management, the office may expend and
25 encumber funds for excess expenses. The amounts necessary
26 to fund the excess expenses shall be collected from those
27 utilities or persons which caused the excess expenditures,
28 and the collections shall be treated as repayment receipts as
29 defined in section 8.2, subsection 8.

30 IOWA UTILITIES BOARD

31 Sec. 2653. Section 6A.21, subsection 2, Code 2023, is
32 amended to read as follows:

33 2. The limitation on the definition of public use,
34 public purpose, or public improvement does not apply to the
35 establishment, relocation, or improvement of a road pursuant

1 to chapter 306, or to the establishment of a railway under the
2 supervision of the department of transportation as provided in
3 section 327C.2, or to an airport as defined in section 328.1,
4 or to land acquired in order to replace or mitigate land used
5 in a road project when federal law requires replacement or
6 mitigation. This limitation also does not apply to utilities,
7 persons, companies, or corporations under the jurisdiction of
8 the Iowa utilities board ~~in the department of commerce~~ or to
9 any other utility conferred the right by statute to condemn
10 private property or to otherwise exercise the power of eminent
11 domain, except to the extent such purpose includes construction
12 of aboveground merchant lines.

13 Sec. 2654. Section 6B.42, subsection 2, paragraphs b and d,
14 Code 2023, are amended to read as follows:

15 b. A person aggrieved by a determination made by a utility
16 as to eligibility for relocation assistance, a payment, or
17 the amount of the payment, upon application, may have the
18 matter reviewed by the utilities ~~division of the department of~~
19 commerce board.

20 d. A utility or railroad subject to this section that
21 proposes to displace a person shall inform the person of the
22 person's right to receive relocation assistance and payments,
23 and of an aggrieved person's right to appeal to the utilities
24 ~~division of the department of commerce~~ board or the state
25 department of transportation.

26 Sec. 2655. Section 6B.45, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. When any real property or interest in real property
29 is to be purchased, or in lieu thereof to be condemned, the
30 acquiring agency or its agent shall submit to the person,
31 corporation, or entity whose property or interest in the
32 property is to be taken, by ordinary mail, at least ten days
33 prior to the date upon which the acquiring agency or its agent
34 contacts the property owner to commence negotiations, a copy
35 of the appraisal in its entirety upon such real property or

1 interest in such real property prepared for the acquiring
2 agency or its agent, which shall include, at a minimum, an
3 itemization of the appraised value of the real property or
4 interest in the property, any buildings on the property, all
5 other improvements including fences, severance damages, and
6 loss of access. In determining fair market value of property,
7 the acquiring agency shall not consider only the assessed value
8 assigned to such property for purposes of property taxation.
9 The appraisal sent to the condemnee shall be that appraisal
10 upon which the condemnor will rely to establish an amount
11 which the condemnor believes to be just compensation for the
12 real property. All other appraisals made on the property as a
13 result of the condemnation proceeding shall be made available
14 to the condemnee upon request. In lieu of an appraisal, a
15 utility or person under the jurisdiction of the utilities board
16 ~~of the department of commerce~~, or any other utility conferred
17 the right by statute to condemn private property, shall provide
18 in writing by certified mail to the owner of record thirty
19 days prior to negotiations, the methods and factors used in
20 arriving at an offered price for voluntary easements including
21 the range of cash amount of each component. An acquiring
22 agency may obtain a signed written waiver from the landowner to
23 allow negotiations to commence prior to the expiration of the
24 applicable waiting period for the commencement of negotiations.

25 Sec. 2656. Section 6B.54, subsections 2 and 3, Code 2023,
26 are amended to read as follows:

27 2. Real property shall be appraised as required by section
28 6B.45 before the initiation of negotiations, and the owner
29 or the owner's designated representative shall be given
30 an opportunity to accompany at least one appraiser of the
31 acquiring agency during an inspection of the property, except
32 that an acquiring agency may prescribe a procedure to waive the
33 appraisal in cases involving the acquisition of property with
34 a low fair market value. In lieu of an appraisal, a utility
35 or person under the jurisdiction of the utilities board ~~of the~~

1 ~~department of commerce~~, or any other utility conferred the
2 right by statute to condemn private property, shall provide in
3 writing by certified mail to the owner of record thirty days
4 before negotiations, the methods and factors used in arriving
5 at an offered price for voluntary easements including the range
6 of cash amount of each component.

7 3. Before the initiation of negotiations for real property,
8 the acquiring agency shall establish an amount which it
9 believes to be just compensation for the real property, and
10 shall make a prompt offer to acquire the property for the full
11 amount established by the agency. In no event shall the amount
12 be less than the fair market value the acquiring agency has
13 established for the property or property interest pursuant
14 to the appraisal required in section 6B.45 or less than the
15 value determined under the acquiring agency's waiver procedure
16 established pursuant to subsection 2. A purchase offer made
17 by an acquiring agency shall include provisions for payment to
18 the owner of expenses, including relocation expenses, expenses
19 listed in subsection 10, and other expenses required by law
20 to be paid by an acquiring agency to a condemnee. However,
21 in the alternative, the acquiring agency may make, and the
22 owner may accept, a purchase offer from the acquiring agency
23 that is an amount equal to one hundred thirty percent of the
24 appraisal amount plus payment to the owner of expenses listed
25 in subsection 10, once those expenses have been determined. If
26 the owner accepts such a purchase offer, the owner is barred
27 from claiming payment from the acquiring agency for any other
28 expenses allowed by law. In the case of a utility or person
29 under the jurisdiction of the utilities board ~~of the department~~
30 ~~of commerce~~, or any other utility conferred the right by
31 statute to condemn private property, the amount shall not be
32 less than the amount indicated by the methods and factors used
33 in arriving at an offered price for a voluntary easement. The
34 option to make an alternative purchase offer does not apply
35 when property is being acquired for street and highway projects

1 undertaken by the state, a county, or a city.

2 Sec. 2657. Section 8C.2, subsection 3, paragraph b, Code
3 2023, is amended to read as follows:

4 ~~b. The utilities division of the department of commerce~~
5 ~~board.~~

6 Sec. 2658. Section 12.10, Code 2023, is amended to read as
7 follows:

8 **12.10 Deposits by state officers.**

9 Except as otherwise provided, all elective and appointive
10 state officers, boards, commissions, and departments shall,
11 within ten days succeeding the collection, deposit with the
12 treasurer of state, or to the credit of the treasurer of state
13 in any depository designated by the treasurer of state, ninety
14 percent of all fees, commissions, and moneys collected or
15 received. The balance actually collected in cash, remaining
16 in the hands of any officer, board, or department shall not
17 exceed the sum of five thousand dollars and money collected
18 shall not be held more than thirty days. This section does not
19 apply to the state fair board, the state board of regents, the
20 ~~utilities board of the department of commerce~~, the director of
21 the department of human services, the Iowa finance authority or
22 to the funds received by the state racing and gaming commission
23 under sections 99D.7 and 99D.14.

24 Sec. 2659. Section 15H.6, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The commission, in collaboration with the department of
27 natural resources, the department of workforce development,
28 and the utilities board ~~of the department of commerce~~, shall
29 establish an Iowa green corps program. The commission shall
30 work with the collaborating agencies and nonprofit agencies
31 in developing a strategy for attracting additional financial
32 resources for the program from other sources which may include
33 but are not limited to utilities, private sector, and local,
34 state, and federal government funding sources. The financial
35 resources received shall be credited to the community programs

1 account created pursuant to section 15H.5.

2 Sec. 2660. Section 22.7, subsection 71, Code 2023, is
3 amended to read as follows:

4 71. Information and records related to cyber security
5 information or critical infrastructure, the disclosure of which
6 may expose or create vulnerability to critical infrastructure
7 systems, held by the utilities board ~~of the department of~~
8 ~~commerce~~ or the department of homeland security and emergency
9 management for purposes relating to the safeguarding of
10 telecommunications, electric, water, sanitary sewage, storm
11 water drainage, energy, hazardous liquid, natural gas, or
12 other critical infrastructure systems. For purposes of this
13 subsection, "*cyber security information*" includes but is not
14 limited to information relating to cyber security defenses,
15 threats, attacks, or general attempts to attack cyber system
16 operations.

17 Sec. 2661. Section 313.4, subsection 4, paragraph b, Code
18 2023, is amended to read as follows:

19 b. The costs of serving freeway lighting for each utility
20 providing the service shall be determined by the utilities
21 ~~division of the department of commerce~~ board, and rates for
22 such service shall be no higher than necessary to recover these
23 costs. Funds received under the provisions of this subsection
24 shall be used solely for the operation and maintenance of a
25 freeway lighting system.

26 Sec. 2662. Section 320.4, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. To lay gas mains in highways outside cities to local
29 municipal distributing plants or companies, but not to pipeline
30 companies. This section shall not apply to or include pipeline
31 companies required to obtain a license from the utilities
32 ~~division of the department of commerce~~ board.

33 Sec. 2663. Section 357A.19, Code 2023, is amended to read
34 as follows:

35 **357A.19 Not exempt from other requirements.**

1 This chapter does not exempt any district from the
2 requirements of any other statute, whether enacted prior to
3 or subsequent to July 1, 1970, under which the district is
4 required to obtain the permission or approval of, or to notify,
5 the department, the utilities ~~division of the department~~
6 ~~of commerce~~ board, or any other agency of this state or of
7 any of its political subdivisions prior to proceeding with
8 construction, acquisition, operation, enlargement, extension,
9 or alteration of any works or facilities which the district is
10 authorized to undertake pursuant to this chapter.

11 Sec. 2664. Section 364.3, subsection 13, paragraph b,
12 subparagraph (2), Code 2023, is amended to read as follows:

13 (2) Paragraph "a" does not apply to an ordinance, motion,
14 resolution, or amendment relating to the rates, services, or
15 governance of a public utility providing gas service to the
16 public for compensation and subject to the jurisdiction of
17 the utilities board ~~of the department of commerce~~ pursuant to
18 section 476.1B.

19 Sec. 2665. Section 364.23, Code 2023, is amended to read as
20 follows:

21 **364.23 Energy-efficient lighting required.**

22 All city-owned exterior flood lighting, including but not
23 limited to street and security lighting but not including era
24 or period lighting which has a minimum efficiency rating of
25 fifty-eight lumens per watt and not including stadium or ball
26 park lighting, shall be replaced, when worn-out, exclusively
27 with high pressure sodium lighting or lighting with equivalent
28 or better energy efficiency as approved in rules adopted by the
29 utilities board ~~within the utilities division of the department~~
30 ~~of commerce~~. In lieu of the requirements established for
31 replacement lighting under this section, stadium or ball park
32 lighting shall be replaced, when worn-out, with the most
33 energy-efficient lighting available at the time of replacement
34 which may include metal halide, high-pressure sodium, or other
35 light sources which may be developed.

1 Sec. 2666. Section 384.84, subsection 3, paragraph a, Code
2 2023, is amended to read as follows:

3 a. A city utility or enterprise service to a property or
4 premises, including services of sewer systems, storm water
5 drainage systems, sewage treatment, solid waste collection,
6 water, solid waste disposal, or any of these services, may be
7 discontinued or disconnected if the account for the service
8 becomes delinquent. Gas or electric service provided by a city
9 utility or enterprise shall be discontinued or disconnected
10 only as provided by section 476.20, subsections 1 through
11 4, and discontinuance or disconnection of those services
12 is subject to rules adopted by the utilities board ~~of the~~
13 ~~department of commerce.~~

14 Sec. 2667. Section 422.93, Code 2023, is amended to read as
15 follows:

16 **422.93 Public utility accounting method.**

17 Nothing in this chapter shall be construed to require the
18 utilities board ~~of the department of commerce~~ to allow or
19 require the use of any particular method of accounting by
20 any public utility to compute its tax expense, depreciation
21 expense, or operating expense for purposes of establishing its
22 cost of service for rate-making purposes and for reflecting
23 operating results in its regulated books of account.

24 Sec. 2668. Section 474.1, Code 2023, is amended to read as
25 follows:

26 **474.1 Creation of ~~division and board~~ — organization.**

27 1. A utilities division board is created ~~within the~~
28 ~~department of commerce. The policymaking body for the division~~
29 ~~is the utilities board which is created within the division.~~
30 The board ~~is composed~~ shall consist of three members appointed
31 by the governor and subject to confirmation by the senate, not
32 more than two of whom shall be from the same political party.
33 Each member appointed shall serve for six-year staggered terms
34 beginning and ending as provided by section 69.19. Vacancies
35 shall be filled for the unexpired portion of the term in the

1 same manner as full-term appointments are made.

2 2. *a.* Subject to confirmation by the senate, the governor
3 shall appoint a member as the chairperson of the board. The
4 chairperson shall be the administrator of the utilities
5 ~~division board~~. The appointment as chairperson shall be for
6 a two-year term which begins and ends as provided in section
7 69.19.

8 *b.* The board shall appoint a chief operating officer to
9 manage the operations of the utilities ~~division as directed~~
10 ~~by the board~~. The board shall set the salary of the chief
11 operating officer within the limits of the pay plan for exempt
12 positions provided for in section 8A.413, subsection 3, unless
13 otherwise provided by the general assembly. The board may
14 employ additional personnel as it finds necessary.

15 3. The utilities board shall regulate and supervise public
16 utilities operating in the state. The board shall enforce and
17 implement chapters 476, 476A, 477C, 478, 479, 479A, and 479B
18 and shall perform other duties assigned to it by law.

19 ~~3.~~ 4. As used in this chapter and chapters 475A, 476,
20 476A, 477C, 478, 479, 479A, and 479B, "~~division~~" "board" and
21 "~~utilities division~~" "utilities board" mean the Iowa utilities
22 ~~division of the department of commerce board~~.

23 Sec. 2669. Section 476.1, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. The utilities board ~~within the utilities division of the~~
26 ~~department of commerce~~ shall regulate the rates and services of
27 public utilities to the extent and in the manner hereinafter
28 provided.

29 Sec. 2670. Section 476.1, subsection 2, Code 2023, is
30 amended by striking the subsection.

31 Sec. 2671. Section 476.1A, subsection 1, paragraph a, Code
32 2023, is amended to read as follows:

33 *a.* Assessment of fees for the support of the ~~division~~
34 board and the office of consumer advocate, pursuant to section
35 476.10.

1 Sec. 2672. Section 476.1B, subsection 1, paragraph a, Code
2 2023, is amended to read as follows:

3 a. Assessment of fees for the support of the division board
4 and the office of consumer advocate, as set forth in section
5 476.10.

6 Sec. 2673. Section 476.3, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. If, as a result of a review procedure conducted under
9 section 476.31, a review conducted under section 476.32, a
10 special audit, an investigation by division board staff, or
11 an investigation by the consumer advocate, a petition is
12 filed with the board by the consumer advocate, alleging that
13 a utility's rates are excessive, the disputed amount shall be
14 specified in the petition. The public utility shall, within
15 the time prescribed by the board, file a bond or undertaking
16 approved by the board conditioned upon the refund in a manner
17 prescribed by the board of amounts collected after the date of
18 filing of the petition in excess of rates or charges finally
19 determined by the board to be lawful. If upon hearing the
20 board finds that the utility's rates are unlawful, the board
21 shall order a refund, with interest, of amounts collected
22 after the date of filing of the petition that are determined
23 to be in excess of the amounts which would have been collected
24 under the rates finally approved. However, the board shall
25 not order a refund that is greater than the amount specified
26 in the petition, plus interest, and if the board fails to
27 render a decision within ten months following the date of
28 filing of the petition, the board shall not order a refund of
29 any excess amounts that are collected after the expiration of
30 that ten-month period and prior to the date the decision is
31 rendered.

32 Sec. 2674. Section 476.10, Code 2023, is amended to read as
33 follows:

34 **476.10 Investigations — expense — appropriation.**

35 1. a. In order to carry out the duties imposed upon

1 it by law, the board may, at its discretion, allocate and
2 charge directly the expenses attributable to its duties to
3 the person bringing a proceeding before the board, to persons
4 participating in matters before the board, or to persons
5 subject to inspection by the board. The board shall ascertain
6 the certified expenses incurred and directly chargeable by
7 the consumer advocate division of the department of justice
8 in the performance of its duties. The board and the consumer
9 advocate separately may decide not to charge expenses to
10 persons who, without expanding the scope of the proceeding
11 or matter, intervene in good faith in a board proceeding
12 initiated by a person subject to the board's jurisdiction,
13 the consumer advocate, or the board on its own motion. For
14 assessments in any proceedings or matters before the board, the
15 board and the consumer advocate separately may consider the
16 financial resources of the person, the impact of assessment on
17 participation by intervenors, the nature of the proceeding or
18 matter, and the contribution of a person's participation to the
19 public interest. The board may present a bill for expenses
20 under this subsection to the person, either at the conclusion
21 of a proceeding or matter, or from time to time during its
22 progress. Presentation of a bill for expenses under this
23 subsection constitutes notice of direct assessment and request
24 for payment in accordance with this section.

25 **b.** The board shall ascertain the total of the ~~division's~~
26 board's expenses incurred during each fiscal year in the
27 performance of its duties under law. The board shall add to
28 the total of the ~~division's~~ board's expenses the certified
29 expenses of the consumer advocate as provided under section
30 475A.6. The board shall deduct all amounts charged directly
31 to any person from the total expenses of the board and the
32 consumer advocate. The board may assess the amount remaining
33 after the deduction to all persons providing service over which
34 the board has jurisdiction in proportion to the respective
35 gross operating revenues of such persons from intrastate

1 operations during the last calendar year over which the board
2 has jurisdiction. For purposes of determining gross operating
3 revenues under this section, the board shall not include gross
4 receipts received by a cooperative corporation or association
5 for wholesale transactions with members of the cooperative
6 corporation or association, provided that the members are
7 subject to assessment by the board based upon the members'
8 gross operating revenues, or provided that such a member is
9 an association whose members are subject to assessment by the
10 board based upon the members' gross operating revenues. If
11 any portion of the remainder can be identified with a specific
12 type of utility service, the board shall assess those expenses
13 only to the entities providing that type of service over which
14 the board has jurisdiction. The board may make the remainder
15 assessments under this paragraph to some or all persons
16 providing service over which the board has jurisdiction, based
17 upon estimates of the expenditures for the fiscal year for
18 the utilities ~~division~~ board and the consumer advocate. Not
19 more than ninety days following the close of the fiscal year,
20 the utilities ~~division~~ board shall conform the amount of the
21 prior fiscal year's assessments to the requirements of this
22 paragraph. For gas and electric public utilities exempted from
23 rate regulation pursuant to this chapter, and for providers
24 of telecommunications service required to register with the
25 board pursuant to section 476.95A that are exempted from rate
26 regulation pursuant to this chapter, the remainder assessments
27 under this paragraph shall be computed at one-half the rate
28 used in computing the assessment for other persons.

29 2. a. A person subject to a charge or assessment shall
30 pay the ~~division~~ board the amount charged or assessed against
31 the person within thirty days from the time the ~~division~~ board
32 provides notice to the person of the amount due, unless the
33 person files an objection in writing with the board setting out
34 the grounds upon which the person claims that such charge or
35 assessment is excessive, unreasonable, erroneous, unlawful, or

1 invalid. Upon receipt of an objection, the board shall set the
2 matter for hearing and issue its order in accordance with its
3 findings in the proceeding.

4 *b.* The order shall be subject to review in the manner
5 provided in this chapter. All amounts collected by the
6 ~~division~~ board pursuant to the provisions of this section
7 shall be deposited with the treasurer of state and credited to
8 the ~~department of~~ commerce revolving fund created in section
9 546.12. Such amounts shall be spent in accordance with the
10 provisions of chapter 8.

11 3. Whenever the board shall deem it necessary in order
12 to carry out the duties imposed upon it in connection with
13 rate regulation under section 476.6, investigations under
14 section 476.3, or review proceedings under section 476.31,
15 the board may employ additional temporary or permanent staff,
16 or may contract with persons who are not state employees for
17 engineering, accounting, or other professional services, or
18 both. The costs of these additional employees and contract
19 services shall be paid by the public utility whose rates
20 are being reviewed in the same manner as other expenses are
21 paid under this section. Beginning on July 1, 1991, there
22 is appropriated out of any funds in the state treasury not
23 otherwise appropriated, such sums as may be necessary to enable
24 the board to hire additional staff and contract for services
25 under this section. The board shall increase quarterly
26 assessments specified in subsection 1, paragraph "b", by
27 amounts necessary to enable the board to hire additional staff
28 and contract for services under this section. The authority to
29 hire additional temporary or permanent staff that is granted to
30 the board by this section shall not be subject to limitation
31 by any administrative or executive order or decision that
32 restricts the number of state employees or the filling of
33 employee vacancies, and shall not be subject to limitation
34 by any law of this state that restricts the number of state
35 employees or the filling of employee vacancies unless that

1 law is made applicable to this section by express reference
2 to this section. Before the board expends or encumbers an
3 amount in excess of the funds budgeted for rate regulation and
4 before the board increases quarterly assessments pursuant to
5 this subsection, the director of the department of management
6 shall approve the expenditure or encumbrance. Before approval
7 is given, the director of the department of management shall
8 determine that the expenses exceed the funds budgeted by the
9 general assembly to the board for rate regulation and that
10 the board does not have other funds from which the expenses
11 can be paid. Upon approval of the director of the department
12 of management the board may expend and encumber funds for
13 the excess expenses, and increase quarterly assessments to
14 raise the additional funds. The board and the office of
15 consumer advocate may add additional personnel or contract
16 for additional assistance to review and evaluate energy
17 efficiency plans and the implementation of energy efficiency
18 programs including, but not limited to, professionally trained
19 engineers, accountants, attorneys, skilled examiners and
20 inspectors, and secretaries and clerks. The board and the
21 office of consumer advocate may also contract for additional
22 assistance in the evaluation and implementation of issues
23 relating to telecommunication competition. The board and the
24 office of the consumer advocate may expend additional sums
25 beyond those sums appropriated. However, the authority to add
26 additional personnel or contract for additional assistance
27 must first be approved by the department of management. The
28 additional sums for energy efficiency shall be provided to the
29 board and the office of the consumer advocate by the utilities
30 subject to the energy efficiency requirements in this chapter.
31 Telephone companies shall pay any additional sums needed for
32 assistance with telecommunication competition issues. The
33 assessments shall be in addition to and separate from the
34 quarterly assessment.

35 4. a. Fees paid to the utilities ~~division~~ board shall be

1 deposited in the ~~department of~~ commerce revolving fund created
2 in section 546.12. These funds shall be used for the payment,
3 upon appropriation by the general assembly, of the expenses of
4 the utilities ~~division~~ board and the consumer advocate division
5 of the department of justice.

6 *b.* The administrator and consumer advocate shall account
7 for receipts and disbursements according to the separate duties
8 imposed upon the utilities board and the consumer advocate
9 ~~divisions~~ division by the laws of this state and each separate
10 duty shall be fiscally self-sustaining.

11 *c.* All fees and other moneys collected under this section
12 and sections 478.4, 479.16, and 479A.9 shall be deposited into
13 the ~~department of~~ commerce revolving fund created in section
14 546.12 and expenses required to be paid under this section
15 shall be paid from funds appropriated for those purposes.

16 Sec. 2675. Section 476.48, subsections 2 and 6, Code 2023,
17 are amended to read as follows:

18 2. *Program established.*

19 *a.* The utilities ~~division~~ board shall establish and
20 administer a small wind innovation zone program to optimize
21 local, regional, and state benefits from wind energy and
22 to facilitate and expedite interconnection of small wind
23 energy systems with electric utilities throughout this state.
24 Pursuant to the program, the owner of a small wind energy
25 system located within a small wind innovation zone desiring
26 to interconnect with an electric utility shall benefit
27 from a streamlined application process, may utilize a model
28 interconnection agreement, and can qualify under a model
29 ordinance.

30 *b.* A political subdivision seeking to be designated a small
31 wind innovation zone shall apply to the ~~division~~ board upon a
32 form developed by the ~~division~~ board. The ~~division~~ board shall
33 approve an application which documents that the applicable
34 local government has adopted the model ordinance or is in the
35 process of amending an existing zoning ordinance to comply with

1 the model ordinance and that an electric utility operating
2 within the political subdivision has agreed to utilize the
3 model interconnection agreement to contract with the small wind
4 energy system owners who agree to its terms.

5 6. *Reporting requirements.* The ~~division~~ board shall prepare
6 a report summarizing the number of applications received from
7 political subdivisions seeking to be designated a small wind
8 innovation zone, the number of applications granted, the number
9 of small wind energy systems generating electricity within
10 each small wind innovation zone, and the amount of wind energy
11 produced, and shall submit the report to the members of the
12 general assembly by January 1 annually.

13 Sec. 2676. Section 476.51, subsection 5, Code 2023, is
14 amended to read as follows:

15 5. Civil penalties collected pursuant to this section from
16 utilities providing water, electric, or gas service shall
17 be forwarded by the chief operating officer of the board to
18 the treasurer of state to be credited to the general fund
19 of the state and to be used only for the low income home
20 energy assistance program and the weatherization assistance
21 program administered by the division of community action
22 agencies of the department of human rights. Civil penalties
23 collected pursuant to this section from utilities providing
24 telecommunications service shall be forwarded to the treasurer
25 of state to be credited to the ~~department of~~ commerce revolving
26 fund created in section 546.12 to be used only for consumer
27 education programs administered by the board. Penalties paid
28 by a rate-regulated public utility pursuant to this section
29 shall be excluded from the utility's costs when determining
30 the utility's revenue requirement, and shall not be included
31 either directly or indirectly in the utility's rates or charges
32 to customers.

33 Sec. 2677. Section 476.63, Code 2023, is amended to read as
34 follows:

35 **476.63 Energy efficiency programs.**

1 The ~~division~~ board shall consult with the economic
2 development authority in the development and implementation of
3 public utility energy efficiency programs.

4 Sec. 2678. Section 476.87, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. The board shall allocate the costs and expenses
7 reasonably attributable to certification and dispute resolution
8 in this section to persons identified as parties to such
9 proceeding who are engaged in or who seek to engage in
10 providing natural gas services or other persons identified as
11 participants in such proceeding. The funds received for the
12 costs and the expenses of certification and dispute resolution
13 shall be remitted to the treasurer of state for deposit in the
14 ~~department of~~ commerce revolving fund created in section 546.12
15 as provided in section 476.10.

16 Sec. 2679. Section 476.95B, subsection 2, Code 2023, is
17 amended to read as follows:

18 2. In proceedings under 47 U.S.C. §251 – 254, the board
19 shall allocate the costs and expenses of the proceedings to
20 persons identified as parties in the proceeding who are engaged
21 in or who seek to engage in providing telecommunications
22 service or other persons identified as participants in the
23 proceeding. The funds received for the costs and the expenses
24 shall be remitted to the treasurer of state for deposit in the
25 ~~department of~~ commerce revolving fund created in section 546.12
26 as provided in section 476.10.

27 Sec. 2680. Section 476.103, subsection 4, paragraph c, Code
28 2023, is amended to read as follows:

29 c. A civil penalty collected pursuant to this subsection
30 shall be forwarded by the chief operating officer of the board
31 to the treasurer of state to be credited to the ~~department of~~
32 commerce revolving fund created in section 546.12 and to be
33 used only for consumer education programs administered by the
34 board.

35 Sec. 2681. Section 476A.1, subsection 2, Code 2023, is

1 amended to read as follows:

2 2. "*Board*" means the utilities board ~~within the utilities~~
3 ~~division of the department of commerce.~~

4 Sec. 2682. Section 476A.10, Code 2023, is amended to read
5 as follows:

6 **476A.10 Costs of proceeding.**

7 The applicant for a certificate, or an amendment to
8 certificate, shall pay all the costs and expenses incurred by
9 the ~~division~~ board in reaching a decision on the application
10 including the costs of examinations of the site, the hearing,
11 publishing of notice, ~~division~~ board staff salaries, the cost
12 of consultants employed by the ~~division~~ board, and other
13 expenses reasonably attributable to the proceeding.

14 Sec. 2683. Section 476A.14, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. Any person who commences to construct a facility as
17 provided in this subchapter without having first obtained a
18 certificate, or who constructs, operates, or maintains any
19 facility other than in compliance with a certificate issued by
20 the board or a certificate amended pursuant to this subchapter,
21 or who causes any of these acts to occur, shall be liable
22 for a civil penalty of not more than ten thousand dollars
23 for each violation or for each day of continuing violation.
24 Civil penalties collected pursuant to this subsection shall be
25 forwarded by the clerk of court to the treasurer of state for
26 deposit in the ~~department of commerce~~ revolving fund created
27 in section 546.12.

28 Sec. 2684. Section 476B.1, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. "*Board*" means the utilities board ~~within the utilities~~
31 ~~division of the department of commerce.~~

32 Sec. 2685. Section 476C.1, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. "*Board*" means the utilities board ~~within the utilities~~
35 ~~division of the department of commerce.~~

1 Sec. 2686. Section 477A.1, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. "*Board*" means the utilities board ~~within the utilities~~
4 ~~division of the department of commerce.~~

5 Sec. 2687. Section 477C.2, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. "*Board*" means the utilities board ~~within the department~~
8 ~~of commerce~~ created in section 474.1.

9 Sec. 2688. Section 478.1, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. A person shall not construct, erect, maintain, or
12 operate a transmission line, wire, or cable that is capable
13 of operating at an electric voltage of sixty-nine kilovolts
14 or more along, over, or across any public highway or grounds
15 outside of cities for the transmission, distribution, or sale
16 of electric current without first procuring from the utilities
17 board ~~within the utilities division of the department of~~
18 ~~commerce~~ a franchise granting authority as provided in this
19 chapter.

20 Sec. 2689. Section 478.4, Code 2023, is amended to read as
21 follows:

22 **478.4 Franchise — hearing.**

23 The utilities board shall consider the petition and any
24 objections filed to it in the manner provided. It shall
25 examine the proposed route or cause any engineer selected
26 by it to do so. If a hearing is held on the petition it may
27 hear testimony as may aid it in determining the propriety of
28 granting the franchise. It may grant the franchise in whole or
29 in part upon the terms, conditions, and restrictions, and with
30 the modifications as to location and route as may seem to it
31 just and proper. Before granting the franchise, the utilities
32 board shall make a finding that the proposed line or lines are
33 necessary to serve a public use and represents a reasonable
34 relationship to an overall plan of transmitting electricity in
35 the public interest. A franchise shall not become effective

1 until the petitioners shall pay, or file an agreement to pay,
2 all costs and expenses of the franchise proceeding, whether
3 or not objections are filed, including costs of inspections
4 or examinations of the route, hearing, salaries, publishing
5 of notice, and any other expenses reasonably attributable to
6 it. The funds received for the costs and the expenses of the
7 franchise proceeding shall be remitted to the treasurer of
8 state for deposit in the ~~department of commerce~~ revolving fund
9 created in section 546.12 as provided in section 476.10.

10 Sec. 2690. Section 478A.7, subsection 4, Code 2023, is
11 amended to read as follows:

12 4. Notwithstanding subsection 1, commencing January 1,
13 1990, a person may sell or offer for sale in this state a
14 decorative gas lamp manufactured after December 31, 1978,
15 if the utilities board ~~within the utilities division of~~
16 ~~the department of commerce~~ determines, after notice and an
17 opportunity for interested persons to comment at an oral
18 presentation, that the sale or offer for sale of decorative gas
19 lamps does not violate the public interest.

20 Sec. 2691. Section 479.2, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. "Board" means the utilities board ~~within the utilities~~
23 ~~division of the department of commerce.~~

24 Sec. 2692. Section 479.16, Code 2023, is amended to read as
25 follows:

26 **479.16 Receipt of funds.**

27 All moneys received under this chapter shall be remitted
28 monthly to the treasurer of state and credited to the
29 ~~department of commerce~~ revolving fund created in section 546.12
30 as provided in section 476.10.

31 Sec. 2693. Section 479A.2, subsection 1, Code 2023, is
32 amended to read as follows:

33 1. "Board" means the utilities board ~~within the utilities~~
34 ~~division of the department of commerce.~~

35 Sec. 2694. Section 479A.9, Code 2023, is amended to read as

1 follows:

2 **479A.9 Deposit of funds.**

3 Moneys received under this chapter shall be credited to the
4 ~~department of~~ commerce revolving fund created in section 546.12
5 as provided in section 476.10.

6 Sec. 2695. Section 479B.2, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. "*Board*" means the utilities board ~~within the utilities~~
9 ~~division of the department of commerce.~~

10 Sec. 2696. Section 479B.2, subsection 6, Code 2023, is
11 amended by striking the subsection.

12 Sec. 2697. Section 479B.12, Code 2023, is amended to read
13 as follows:

14 **479B.12 Use of funds.**

15 All moneys received under this chapter, other than civil
16 penalties collected pursuant to section 479B.21, shall be
17 remitted monthly to the treasurer of state and credited to
18 the ~~department of~~ commerce revolving fund created in section
19 546.12.

20 Sec. 2698. Section 657.1, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Notwithstanding subsection 1, in an action to abate
23 a nuisance against an electric utility, an electric utility
24 may assert a defense of comparative fault as set out in
25 section 668.3 if the electric utility demonstrates that in
26 the course of providing electric services to its customers it
27 has complied with engineering and safety standards as adopted
28 by the utilities board ~~of the department of commerce~~, and if
29 the electric utility has secured all permits and approvals,
30 as required by state law and local ordinances, necessary to
31 perform activities alleged to constitute a nuisance.

32 Sec. 2699. Section 714D.2, subsection 9, Code 2023, is
33 amended to read as follows:

34 9. "*Unfair practice*" means the same as defined in section
35 714.16, subsection 1, and also means any failure of a

1 person to comply with the Telecommunications Act or with any
2 statute or rule enforced by the utilities board ~~within the~~
3 ~~utilities division of the department of commerce~~ relating to a
4 telecommunications service selection or change.

5 Sec. 2700. Section 714D.6, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. A cause of action under this section shall not apply
8 unless, prior to filing the action, the consumer has submitted
9 a complaint to the utilities board ~~within the utilities~~
10 ~~division of the department of commerce~~, the utilities board has
11 failed to resolve the complaint to the consumer's satisfaction
12 within one hundred twenty days of the date the complaint was
13 submitted, and the consumer dismisses the complaint before the
14 utilities board. The requirement that a consumer complaint be
15 submitted to the utilities board and resolved by the utilities
16 board to the consumer's satisfaction within one hundred twenty
17 days of filing before the consumer may file an action pursuant
18 to this section shall not apply to an action by the attorney
19 general to recover moneys for the consumer pursuant to section
20 714D.7 or any other law. A finding by the utilities board
21 that a respondent has complied with rules governing carrier
22 selection procedures adopted by the utilities board shall be
23 an affirmative defense to any claim brought under this section
24 or section 476.103 or 714D.7 that an unauthorized change in
25 service has occurred.

26 Sec. 2701. Section 714D.7, subsection 4, Code 2023, is
27 amended to read as follows:

28 4. The attorney general shall not file a civil enforcement
29 action under this chapter or under section 714.16 against a
30 person for an act which is the subject of an administrative
31 proceeding to impose a civil penalty which has been initiated
32 against the person by the utilities board ~~within the utilities~~
33 ~~division of the department of commerce~~. This subsection shall
34 not be construed to limit the authority of the attorney general
35 to file a civil enforcement or other enforcement action against

1 a person for violating a prior agreement entered into by the
 2 person with the attorney general or a court order obtained
 3 by the attorney general against the person. This subsection
 4 shall not be construed to limit the authority of the attorney
 5 general to file a civil enforcement or other enforcement action
 6 against the person for acts which are not the subject of an
 7 administrative proceeding which has been initiated against the
 8 person by the utilities board.

9 Sec. 2702. REPEAL. Section 546.7, Code 2023, is repealed.

10 DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

11 Sec. 2703. Section 7E.5, subsection 1, paragraph f, Code
 12 2023, is amended to read as follows:

13 f. The department of ~~commerce~~ insurance and financial
 14 services, created in section 546.2, which has primary
 15 responsibility for ~~business and professional regulatory,~~
 16 ~~service, and licensing~~ insurance and financial services
 17 functions.

18 Sec. 2704. Section 7E.5, subsection 2, paragraph a, Code
 19 2023, is amended to read as follows:

20 a. There is a civil rights commission, a public employment
 21 relations board, an interstate cooperation commission, an Iowa
 22 ethics and campaign disclosure board, an Iowa utilities board,
 23 and an Iowa law enforcement academy.

24 Sec. 2705. Section 8A.412, subsections 18 and 19, Code 2023,
 25 are amended to read as follows:

26 18. The ~~administrator and the deputy administrator~~
 27 superintendent and deputy superintendent of the credit union
 28 division of the department of ~~commerce~~ insurance and financial
 29 services, all members of the credit union review board, and all
 30 employees of the credit union division.

31 19. The superintendent of the banking division of the
 32 department of ~~commerce~~ insurance and financial services, all
 33 members of the state banking council, and all employees of
 34 the banking division except for employees of the professional
 35 licensing and regulation bureau of the division.

1 Sec. 2706. Section 8A.438, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. The director may establish a tax-sheltered investment
4 program for eligible employees. The director may arrange for
5 the provision of investment vehicles authorized under section
6 403(b) of the Internal Revenue Code, as defined in section
7 422.3. The tax-sheltered investment program shall include
8 investment vehicles authorized under section 403(b) of the
9 Internal Revenue Code provided by any insurance company or
10 investment company that is recommended for inclusion in the
11 program by a person licensed as an insurance producer under
12 chapter 522B, or registered as a securities agent or investment
13 adviser representative under chapter 502, by the insurance
14 division of the department of ~~commerce~~ insurance and financial
15 services. The director shall require each insurance company
16 and investment company included in the program to utilize the
17 third party administrator selected by the department and a
18 common remitter, and shall limit the total number of insurance
19 companies and investment companies in the program to no more
20 than thirty. To be eligible for inclusion in the program, an
21 insurance company shall have filed with, and had the company's
22 contract and forms approved by, the insurance division of the
23 department of ~~commerce~~ insurance and financial services, and
24 an investment company shall be registered with the federal
25 securities and exchange commission. The department may
26 offer the tax-sheltered investment program to eligible public
27 employers in the state of Iowa.

28 Sec. 2707. Section 8E.103, subsection 1, paragraph b, Code
29 2023, is amended to read as follows:

30 b. Each division within the department of ~~commerce~~ insurance
31 and financial services is considered an agency, and each bureau
32 within a division of the department of ~~commerce~~ insurance and
33 financial services is considered a division, as otherwise
34 provided in chapter 7E.

35 Sec. 2708. Section 8F.2, subsection 8, paragraph b,

1 subparagraph (3), Code 2023, is amended to read as follows:

2 (3) A contract concerning an entity that has contracted
3 with the state and is licensed and regulated by the insurance
4 division of the department of ~~commerce~~ insurance and financial
5 services.

6 Sec. 2709. Section 11.5B, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. Department of ~~commerce~~ insurance and financial services.

9 Sec. 2710. Section 11.6, subsection 1, paragraph c,
10 subparagraph (6), Code 2023, is amended to read as follows:

11 (6) A joint investment trust organized pursuant to chapter
12 28E shall file the audit reports required by this chapter with
13 the administrator of the securities and regulated industries
14 bureau of the insurance division of the department of ~~commerce~~
15 insurance and financial services within ten days of receipt
16 from the auditor. The auditor of a joint investment trust
17 shall provide written notice to the administrator of the time
18 of delivery of the reports to the joint investment trust.

19 Sec. 2711. Section 15E.17, subsection 4, Code 2023, is
20 amended to read as follows:

21 4. Subsections 2 and 3 do not apply to the following:

22 a. The utilities ~~division of the department of commerce~~
23 board insofar as the information relates to public utilities.

24 b. The banking division of the department of ~~commerce~~
25 insurance and financial services.

26 c. The credit union division of the department of ~~commerce~~
27 insurance and financial services.

28 Sec. 2712. Section 16.45, subsection 5, Code 2023, is
29 amended to read as follows:

30 5. For purposes of this section, "*financial institutions*"
31 means the same as defined in section 12C.1, "*lender*" means a
32 lender as defined in section 537.1301 that is licensed by the
33 banking division of the department of ~~commerce~~ insurance and
34 financial services, and "*manufactured home*" or "*manufactured*
35 *housing*" means the same as the definition of manufactured home

1 in section 435.1.

2 Sec. 2713. Section 16.91, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. With the approval of the authority board the division
5 and its board shall consult with the insurance division of
6 the department of ~~commerce~~ insurance and financial services
7 in developing a guaranty contract acceptable to the secondary
8 market and developing any other feature of the program with
9 which the insurance division may have special expertise.
10 Except as provided in this subsection, the Iowa title guaranty
11 program is not subject to the jurisdiction of or regulation by
12 the insurance division or the commissioner of insurance.

13 Sec. 2714. Section 20.4, subsections 10 and 11, Code 2023,
14 are amended to read as follows:

15 10. Persons employed by the credit union division of the
16 department of ~~commerce~~ insurance and financial services.

17 11. Persons employed by the banking division of the
18 department of ~~commerce~~ insurance and financial services.

19 Sec. 2715. Section 68B.2, subsection 23, Code 2023, is
20 amended to read as follows:

21 23. "*Regulatory agency*" means the department of agriculture
22 and land stewardship, department of workforce development,
23 department of ~~commerce~~ insurance and financial services,
24 Iowa department of public health, department of public
25 safety, department of education, state board of regents,
26 department of human services, department of revenue, department
27 of inspections and appeals, department of administrative
28 services, public employment relations board, state department
29 of transportation, civil rights commission, department of
30 public defense, department of homeland security and emergency
31 management, Iowa ethics and campaign disclosure board,
32 utilities board, and department of natural resources.

33 Sec. 2716. Section 85.70, subsection 2, paragraph f, Code
34 2023, is amended to read as follows:

35 f. Beginning on or before December 1, 2018, the department

1 of workforce development, in cooperation with the department of
 2 education, the insurance division of the department of ~~commerce~~
 3 insurance and financial services, and all community colleges
 4 that are participating in the new career vocational training
 5 and education program, shall prepare an annual report for
 6 submission to the general assembly that provides information
 7 about the status of the program including but not limited to
 8 the utilization of and participants in the program, program
 9 completion rates, employment rates after completion of the
 10 program and the types of employment obtained by the program
 11 participants, and the effects of the program on workers'
 12 compensation premium rates.

13 Sec. 2717. Section 87.11, subsection 2, Code 2023, is
 14 amended to read as follows:

15 2. An employer seeking relief from the insurance
 16 requirements of this chapter shall pay to the insurance
 17 division of the department of ~~commerce~~ insurance and financial
 18 services the following fees:

19 a. A fee of one hundred dollars, to be submitted annually
 20 along with an application for relief.

21 b. A fee of one hundred dollars for issuance of the
 22 certificate relieving the employer from the insurance
 23 requirements of this chapter.

24 c. A fee of fifty dollars, to be submitted with each filing
 25 required by the commissioner of insurance, including but not
 26 limited to the annual and quarterly financial statements, and
 27 material change statements.

28 Sec. 2718. Section 97B.49B, subsection 1, paragraph e,
 29 subparagraph (13), Code 2023, is amended to read as follows:

30 (13) An employee of the insurance division of the department
 31 of ~~commerce~~ insurance and financial services who as a condition
 32 of employment is required to be certified by the Iowa law
 33 enforcement academy and who is required to perform the duties
 34 of a peace officer as provided in section 507E.8.

35 Sec. 2719. Section 100A.1, subsection 1, paragraph j, Code

1 2023, is amended to read as follows:

2 *j.* The fraud bureau within the insurance division of the
3 department of ~~commerce~~ insurance and financial services.

4 Sec. 2720. Section 256.35A, subsection 2, paragraph b, Code
5 2023, is amended to read as follows:

6 *b.* In addition, representatives of the department of
7 education, the division of vocational rehabilitation of the
8 department of education, the department of public health,
9 the department of human services, the Iowa developmental
10 disabilities council, the division of insurance of the
11 department of ~~commerce~~ insurance and financial services, and
12 the state board of regents shall serve as ex officio members
13 of the advisory council. Ex officio members shall work
14 together in a collaborative manner to serve as a resource to
15 the advisory council. The council may also form workgroups
16 as necessary to address specific issues within the technical
17 purview of individual members.

18 Sec. 2721. Section 502.102, subsection 27A, Code 2023, is
19 amended to read as follows:

20 27A. "*Securities and regulated industries bureau*" means the
21 securities and regulated industries bureau of the insurance
22 division of the department of ~~commerce~~ insurance and financial
23 services.

24 Sec. 2722. Section 502.321A, subsection 8, paragraph b,
25 subparagraph (3), Code 2023, is amended to read as follows:

26 (3) An offer in which the target company is an insurance
27 company or insurance holding company subject to regulation
28 by the commissioner of insurance, a financial institution
29 subject to regulation by the superintendent of banking ~~or the~~
30 ~~superintendent of savings and loan associations,~~ or a public
31 utility subject to regulation by the utilities ~~division of the~~
32 ~~department of commerce~~ board.

33 Sec. 2723. Section 502.601, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. *Administration.* This chapter shall be administered by

1 the commissioner of insurance of this state. The administrator
 2 shall appoint a deputy administrator who shall be exempt from
 3 the merit system provisions of chapter 8A, subchapter IV. The
 4 deputy administrator is the principal operations officer of the
 5 securities and regulated industries bureau of the insurance
 6 division of the department of ~~commerce~~ insurance and financial
 7 services. The deputy administrator is responsible to the
 8 administrator for the routine administration of this chapter
 9 and the management of the securities and regulated industries
 10 bureau. In the absence of the administrator, whether because
 11 of vacancy in the office, by reason of absence, physical
 12 disability, or other cause, the deputy administrator shall be
 13 the acting administrator and shall, for that period, have and
 14 exercise the authority conferred upon the administrator. The
 15 administrator may by order delegate to the deputy administrator
 16 any or all of the functions assigned to the administrator
 17 under this chapter. The administrator shall employ officers,
 18 attorneys, accountants, and other employees as needed for the
 19 administration of this chapter.

20 Sec. 2724. Section 502A.1, subsection 1, Code 2023, is
 21 amended to read as follows:

22 1. "*Administrator*" means the administrator of the securities
 23 and regulated industries bureau of the insurance division of
 24 the department of ~~commerce~~ insurance and financial services.

25 Sec. 2725. Section 502A.15, subsection 1, Code 2023, is
 26 amended to read as follows:

27 1. This chapter shall be administered by the administrator
 28 of the securities and regulated industries bureau of the
 29 insurance division of the department of ~~commerce~~ insurance and
 30 financial services.

31 Sec. 2726. Section 505.1, Code 2023, is amended to read as
 32 follows:

33 **505.1 Insurance division created.**

34 An insurance division is created within the department
 35 of ~~commerce~~ insurance and financial services to regulate and

1 supervise the conducting of the business of insurance in the
2 state. The commissioner of insurance is the chief executive
3 officer of the division. As used in this subtitle and chapter
4 502, "*division*" means the insurance division.

5 Sec. 2727. Section 505.2, Code 2023, is amended to read as
6 follows:

7 **505.2 Appointment and term of commissioner.**

8 1. The governor shall appoint subject to confirmation
9 by the senate, a commissioner of insurance, who shall be
10 selected solely with regard to qualifications and fitness to
11 discharge the duties of this position, devote the entire time
12 to such duties, and serve for four years beginning and ending
13 as provided by section 69.19. The governor may remove the
14 commissioner for malfeasance in office, or for any cause that
15 renders the commissioner ineligible, incapable, or unfit to
16 discharge the duties of the office.

17 2. A vacancy in the office of the commissioner shall be
18 filled for the unexpired portion of the regular term.

19 3. The commissioner of insurance shall also serve as the
20 director of the department of insurance and financial services
21 pursuant to section 546.2.

22 Sec. 2728. Section 505.5, Code 2023, is amended to read as
23 follows:

24 **505.5 Expenses — salary.**

25 The commissioner shall be entitled to reimbursement of
26 actual necessary expenses in attending meetings of insurance
27 commissioners of other states, and in the performance of the
28 duties of the office. ~~The commissioner's salary shall be as~~
29 ~~fixed by the general assembly.~~

30 Sec. 2729. Section 505.7, subsections 1 and 3, Code 2023,
31 are amended to read as follows:

32 1. All fees and charges which are required by law to be
33 paid by insurance companies, associations, and other regulated
34 entities shall be payable to the commissioner of the insurance
35 division of the department of ~~commerce~~ insurance and financial

1 services or department of revenue, as provided by law, whose
 2 duty it shall be to account for and pay over the same to the
 3 treasurer of state at the time and in the manner provided by
 4 law for deposit in the ~~department of~~ commerce revolving fund
 5 created in section 546.12.

6 3. Forty percent of the nonexamination revenues payable
 7 to the division of insurance or the department of revenue in
 8 connection with the regulation of insurance companies or other
 9 entities subject to the regulatory jurisdiction of the division
 10 shall be deposited in the ~~department of~~ commerce revolving
 11 fund created in section 546.12 and shall be subject to annual
 12 appropriation to the division for its operations and is also
 13 subject to expenditure under subsection 6. The remaining
 14 nonexamination revenues payable to the division of insurance
 15 or the department of revenue shall be deposited in the general
 16 fund of the state.

17 Sec. 2730. Section 507.1, subsection 2, paragraph c, Code
 18 2023, is amended to read as follows:

19 c. "*Division*" means the division of insurance of the
 20 department of ~~commerce~~ insurance and financial services.

21 Sec. 2731. Section 507E.8, Code 2023, is amended to read as
 22 follows:

23 **507E.8 Law enforcement authority.**

24 1. An individual employed by the division and designated as
 25 a peace officer shall be considered a law enforcement officer
 26 as that term is defined in section 80B.3, and shall exercise
 27 the powers of a law enforcement officer as follows:

28 a. For purposes of an arrest resulting from a criminal
 29 violation of any provision of the Code subject to the
 30 jurisdiction of the commissioner established as a result of an
 31 investigation pursuant to this chapter or chapter 502, 502A,
 32 507A, 523A, 523C, 523D, or 523I.

33 b. While conducting an investigation or engaged in an
 34 assignment authorized by this chapter or ~~ordered by the~~
 35 ~~commissioner~~ chapter 502, 502A, 507A, 523A, 523C, 523D, or

1 523I.

2 *c.* To protect life if a public offense is committed in the
3 presence of the peace officer.

4 *d.* While providing assistance to a law enforcement agency or
5 another law enforcement officer.

6 ~~*e.* While providing assistance at the request of a member of~~
7 ~~the public.~~

8 2. Laws applicable to an arrest of an individual by a law
9 enforcement officer of the state shall apply to an individual
10 employed by the division and designated as a peace officer. An
11 individual employed by the division and designated as a peace
12 officer shall have the power to execute arrest warrants and
13 search warrants, serve subpoenas issued for the examination,
14 investigation, and trial of all offenses identified through the
15 course of an investigation conducted pursuant to this section,
16 and arrest upon probable cause without warrant a person found
17 in the act of committing a violation of ~~this chapter or~~ a law
18 of this state.

19 Sec. 2732. Section 514H.2, subsection 2, Code 2023, is
20 amended to read as follows:

21 2. The insurance division of the department of ~~commerce~~
22 insurance and financial services shall administer the program
23 in cooperation with the division responsible for medical
24 services within the department of human services. Each
25 agency shall take all necessary actions, including filing an
26 appropriate medical assistance state plan amendment to the
27 state Medicaid plan to take full advantage of the benefits and
28 features of the Deficit Reduction Act of 2005.

29 Sec. 2733. Section 514H.9, Code 2023, is amended to read as
30 follows:

31 **514H.9 Rules.**

32 The insurance division of the department of ~~commerce~~
33 insurance and financial services in cooperation with the
34 department of human services shall adopt rules pursuant to
35 chapter 17A as necessary to administer this chapter.

1 Sec. 2734. Section 514I.2, subsection 9, paragraph a, Code
2 2023, is amended to read as follows:

3 a. An entity licensed by the division of insurance of the
4 department of ~~commerce~~ insurance and financial services to
5 provide health insurance in Iowa that has contracted with the
6 department to provide health insurance coverage to eligible
7 children under this chapter.

8 Sec. 2735. Section 515A.6, subsection 7, paragraph a, Code
9 2023, is amended to read as follows:

10 a. The commissioner shall provide notice of the filing of
11 the proposed rates at least thirty days before the effective
12 date of the proposed rates by publishing a notice on the
13 internet site of the insurance division of the department of
14 ~~commerce~~ insurance and financial services.

15 Sec. 2736. Section 521H.6, subsection 1, Code 2023, is
16 amended to read as follows:

17 1. Documents, materials, or other information, including
18 a corporate governance annual disclosure, in the possession
19 or control of the insurance division of the department of
20 ~~commerce~~ insurance and financial services, that is obtained
21 by, created by, or disclosed to the commissioner or to any
22 other person pursuant to this chapter, is recognized in this
23 state as being proprietary and containing trade secrets. All
24 such documents, materials, or other information, including the
25 disclosure, shall be confidential and privileged, shall not be
26 subject to chapter 22, shall be considered confidential under
27 chapter 507, shall not be subject to subpoena, and shall not be
28 subject to discovery or admissible in evidence in any private
29 civil action. However, the commissioner is authorized to use
30 such documents, materials, or other information, including
31 the disclosure, in the furtherance of any regulatory or legal
32 action brought as a part of the commissioner's official duties.
33 The commissioner shall not otherwise make the documents,
34 materials, or other information, including the disclosure,
35 public without the prior written consent of the insurer or

1 insurance group that provided the documents, materials, or
2 other information, including the disclosure. Nothing in this
3 section shall be construed to require written consent of
4 the insurer or insurance group before the commissioner may
5 share or receive confidential documents, materials, or other
6 information related to governance of an insurer or insurance
7 group pursuant to subsection 3 to assist in the performance of
8 the commissioner's regular duties.

9 Sec. 2737. Section 522.8, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. Documents, materials, or other information, including
12 an own risk and solvency assessment summary report, in
13 the possession or control of the insurance division of the
14 department of ~~commerce~~ insurance and financial services, that
15 are obtained by, created by, or disclosed to the commissioner
16 or to any other person pursuant to this chapter, are recognized
17 in this state as being proprietary and containing trade
18 secrets. All such documents, materials, or other information,
19 including the summary report, shall be confidential and
20 privileged, shall not be subject to chapter 22, shall not be
21 subject to subpoena, and shall not be subject to discovery
22 or admissible in evidence in any private civil action.
23 However, the commissioner is authorized to use such documents,
24 materials, or other information, including the summary report,
25 in the furtherance of any regulatory or legal action brought as
26 a part of the commissioner's official duties. The commissioner
27 shall not otherwise make the documents, materials, or other
28 information, including the summary report, public without
29 the prior written consent of the insurer that provided the
30 documents, materials, or other information, including the
31 summary report.

32 Sec. 2738. Section 523A.807, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. The commissioner shall post on the internet site of the
35 division of insurance of the department of ~~commerce~~ insurance

1 and financial services a list of all persons licensed under
2 this chapter and an index of orders issued by the commissioner
3 pertaining to such persons.

4 Sec. 2739. Section 524.201, Code 2023, is amended to read
5 as follows:

6 **524.201 Superintendent of banking.**

7 1. The governor shall appoint, subject to confirmation by
8 the senate, a superintendent of banking. The appointee shall
9 be selected solely with regard to qualification and fitness
10 to discharge the duties of office, and a person shall not be
11 appointed who has not had at least five years' experience as an
12 executive officer in a bank. The superintendent shall serve at
13 the pleasure of the governor.

14 2. ~~The superintendent shall have an office at the seat~~
15 ~~of government. The regular term of office shall be four~~
16 ~~years beginning and ending as provided by section 69.19~~ The
17 superintendent shall receive a salary set by the governor
18 within a range established by the general assembly.

19 Sec. 2740. Section 524.206, Code 2023, is amended to read
20 as follows:

21 **524.206 Banking division created.**

22 The banking division is created within the department of
23 ~~commerce~~ insurance and financial services.

24 Sec. 2741. Section 524.207, subsections 1, 2, 5, and 6, Code
25 2023, are amended to read as follows:

26 1. Except as otherwise provided by statute, all expenses
27 required in the discharge of the duties and responsibilities
28 imposed upon the banking division of the department of ~~commerce~~
29 insurance and financial services, the superintendent, and the
30 state banking council by the laws of this state shall be paid
31 from fees provided by the laws of this state and appropriated
32 by the general assembly from the ~~department of commerce~~
33 revolving fund created in section 546.12. All of these
34 fees are payable to the superintendent. The superintendent
35 shall pay all the fees and other moneys received by the

1 superintendent to the treasurer of state within the time
2 required by section 12.10 and the fees and other moneys shall
3 be deposited into the ~~department of~~ commerce revolving fund
4 created in section 546.12.

5 2. All fees and assessments generated as the result of a
6 national bank or federal savings association converting to a
7 state bank on or after December 31, 2015, and thereafter, are
8 payable to the superintendent. The superintendent shall pay
9 all the fees and assessments received by the superintendent
10 pursuant to this subsection to the treasurer of state within
11 the time required by section 12.10 and the fees and assessments
12 shall be deposited into the ~~department of~~ commerce revolving
13 fund created in section 546.12. An amount equal to such fees
14 and assessments deposited into the ~~department of~~ commerce
15 revolving fund is appropriated from the ~~department of~~ commerce
16 revolving fund to the banking division of the department of
17 commerce insurance and financial services for the fiscal
18 year in which a national bank or federal savings association
19 converted to a state bank and an amount equal to such
20 annualized fees and assessments deposited into the ~~department~~
21 ~~of~~ commerce revolving fund in succeeding years is appropriated
22 from the ~~department of~~ commerce revolving fund to the banking
23 division of the department of commerce insurance and financial
24 services for succeeding fiscal years for purposes related to
25 the discharge of the duties and responsibilities imposed upon
26 the banking division of the department of commerce insurance
27 and financial services, the superintendent, and the state
28 banking council by the laws of this state. This appropriation
29 shall be in addition to the appropriation of moneys otherwise
30 described in this section. If a state bank converts to a
31 national bank or federal savings association, any appropriation
32 made pursuant to this subsection for the following fiscal
33 year shall be reduced by the amount of the assessment paid by
34 the state bank during the fiscal year in which the state bank
35 converted to a national bank or federal savings association.

1 5. All fees and moneys collected shall be deposited into the
2 ~~department of~~ commerce revolving fund created in section 546.12
3 and expenses required to be paid under this section shall be
4 paid from moneys in the ~~department of~~ commerce revolving fund
5 and appropriated for those purposes.

6 6. All moneys received by the superintendent pursuant to a
7 multi-state settlement with a provider of financial services
8 such as a mortgage lender, a mortgage servicer, or any other
9 person regulated by the banking division of the department of
10 ~~commerce~~ insurance and financial services shall be deposited
11 into the ~~department of~~ commerce revolving fund created in
12 section 546.12 and an amount equal to the amount deposited
13 into the fund is appropriated to the banking division of the
14 department of ~~commerce~~ insurance and financial services for the
15 fiscal year in which such moneys are received and in succeeding
16 fiscal years for the purpose of promoting financial-related
17 education and supporting those duties of the banking
18 division related to financial regulation that are limited to
19 nonrecurring expenses such as equipment purchases, training,
20 technology, and retirement payouts related to the oversight of
21 mortgage lending, state banks, and other financial services
22 regulated by the banking division. This appropriation shall be
23 in addition to the appropriation of moneys otherwise described
24 in this section. The superintendent shall submit a report to
25 the department of management and to the legislative services
26 agency detailing the expenditure of moneys appropriated to the
27 banking division pursuant to this subsection during each fiscal
28 year. The initial report shall be submitted on or before
29 September 15, 2016, and each September 15 thereafter. Moneys
30 appropriated pursuant to this subsection are not subject to
31 section 8.33 and shall not be transferred, used, obligated,
32 appropriated, or otherwise encumbered except as provided in
33 this subsection.

34 Sec. 2742. Section 527.2, subsection 2, Code 2023, is
35 amended to read as follows:

1 2. "*Administrator*" means and includes the superintendent
 2 of banking and the superintendent of credit unions within
 3 the department of ~~commerce~~ insurance and financial services
 4 and the supervisor of industrial loan companies within the
 5 office of the superintendent of banking. However, the powers
 6 of administration and enforcement of this chapter shall be
 7 exercised only as provided in sections 527.3, 527.5, subsection
 8 7, sections 527.11, 527.12, and any other pertinent provision
 9 of this chapter.

10 Sec. 2743. Section 528.2, subsection 1, Code 2023, is
 11 amended to read as follows:

12 1. "*Administrator*" means the superintendent of banking and
 13 the superintendent of credit unions within the department of
 14 ~~commerce~~ insurance and financial services.

15 Sec. 2744. Section 533.102, subsection 4, Code 2023, is
 16 amended to read as follows:

17 4. "*Credit union service organization*" means a corporation,
 18 limited partnership, or limited liability company organized
 19 under state law to provide financial and financial-related
 20 services for one or more credit unions, each of which owns part
 21 of the capital stock of the credit union service organization,
 22 as authorized under section 533.301, subsection 5, paragraph
 23 "f", and which corporation, limited partnership, or limited
 24 liability company is subject to examination by the credit union
 25 division of the Iowa department of ~~commerce~~ insurance and
 26 financial services or a federal supervisory agency.

27 Sec. 2745. Section 533.103, Code 2023, is amended to read
 28 as follows:

29 **533.103 Credit union division created.**

30 A credit union division of the department of ~~commerce~~
 31 insurance and financial services is created to administer this
 32 chapter.

33 Sec. 2746. Section 533.104, Code 2023, is amended to read
 34 as follows:

35 **533.104 Superintendent of credit unions.**

1 1. A superintendent of credit unions shall be appointed by
2 the governor to serve at the pleasure of the governor, subject
3 to confirmation by the senate, to regulate credit unions.

4 ~~a.~~ The appointee shall be selected solely with regard to
5 qualification and fitness to discharge the duties of office.

6 ~~b.~~ The and the individual appointed shall have at least
7 five years' experience as a director or executive officer of
8 a credit union, or comparable experience in the regulation or
9 examination of credit unions. For purposes of this ~~paragraph~~
10 subsection, credit union membership does not qualify as credit
11 union experience.

12 ~~2. The superintendent shall have an office at the seat~~
13 ~~of government. The superintendent's term of office shall be~~
14 ~~four years beginning and ending as provided by section 69.19.~~
15 ~~The governor may remove the superintendent for malfeasance~~
16 ~~in office, or for any cause that renders the superintendent~~
17 ~~ineligible, incapable, or unfit to discharge the duties of the~~
18 ~~office.~~

19 ~~3.~~ The superintendent shall receive a salary set by the
20 governor within a range established by the general assembly.

21 ~~4. A vacancy in the office of superintendent shall be filled~~
22 ~~for the unexpired portion of the regular term.~~

23 ~~5.~~ 3. The superintendent may adopt rules as necessary or
24 appropriate to administer this chapter, subject to the prior
25 approval of the rules by the review board.

26 Sec. 2747. Section 533.111, subsections 1, 4, and 5, Code
27 2023, are amended to read as follows:

28 1. *a.* All expenses required in the discharge of the
29 duties and responsibilities imposed upon the credit union
30 division, the superintendent, and the review board by the laws
31 of this state shall be paid from fees provided by the laws
32 of this state and appropriated by the general assembly from
33 the ~~department of commerce revolving fund created in section~~
34 ~~546.12.~~

35 *b.* All fees imposed under this chapter are payable to

1 the superintendent, who shall pay all fees and other moneys
2 received to the treasurer of state within the time required by
3 section 12.10. The treasurer of state shall deposit such funds
4 in the ~~department of~~ commerce revolving fund created in section
5 546.12.

6 4. a. All fees and other moneys collected shall be
7 deposited into the ~~department of~~ commerce revolving fund
8 created in section 546.12 and expenses required to be paid
9 under this section shall be paid from moneys in the ~~department~~
10 ~~of~~ commerce revolving fund and appropriated for those purposes.

11 b. Funds appropriated to the credit union division shall
12 be subject at all times to the warrant of the director
13 of the department of administrative services, drawn upon
14 written requisition of the superintendent or a designated
15 representative, for the payment of all salaries and other
16 expenses necessary to carry out the duties of the credit union
17 division.

18 5. The credit union division may accept reimbursement of
19 expenses related to the examination of a state credit union
20 from the national credit union administration or any other
21 guarantor or insurance plan authorized by this chapter. These
22 reimbursements shall be deposited into the ~~department of~~
23 commerce revolving fund created in section 546.12.

24 Sec. 2748. Section 533A.10, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The superintendent may examine the condition and
27 affairs of a licensee. In connection with any examination,
28 the superintendent may examine on oath any licensee, and any
29 director, officer, employee, customer, creditor, or stockholder
30 of a licensee concerning the affairs and business of the
31 licensee. The superintendent shall ascertain whether the
32 licensee transacts its business in the manner prescribed by
33 the law and applicable rules. The licensee shall pay the cost
34 of the examination as determined by the superintendent based
35 on the actual cost of the operation of the finance bureau of

1 the banking division of the department of ~~commerce~~ insurance
 2 and financial services, including the proportionate share of
 3 the administrative expenses in the operation of the banking
 4 division attributable to the finance bureau, as determined by
 5 the superintendent, incurred in the discharge of duties imposed
 6 upon the superintendent by this chapter. Failure to pay the
 7 examination fee within thirty days of receipt of demand from
 8 the superintendent shall subject the licensee to a late fee of
 9 up to five percent per day of the amount of the examination fee
 10 for each day the payment is delinquent.

11 Sec. 2749. Section 533A.14, Code 2023, is amended to read
 12 as follows:

13 **533A.14 Fees to state treasurer.**

14 All moneys received by the superintendent from fees,
 15 licenses, and examinations pursuant to this chapter shall be
 16 deposited by the superintendent with the treasurer of state for
 17 deposit in the ~~department of commerce~~ revolving fund created
 18 in section 546.12.

19 Sec. 2750. Section 533C.902, subsection 1, Code 2023, is
 20 amended to read as follows:

21 1. A financial services licensing fund is created as a
 22 separate fund in the state treasury under the authority of the
 23 banking division of the department of ~~commerce~~ insurance and
 24 financial services. Moneys deposited in the fund shall be used
 25 to pay for staffing necessary to perform examinations, audits,
 26 and other duties required of the superintendent and the banking
 27 division under this chapter.

28 Sec. 2751. Section 533D.11, subsection 3, Code 2023, is
 29 amended to read as follows:

30 3. The superintendent shall determine the cost of the
 31 examination or investigation based upon the actual cost of the
 32 operation of the finance bureau of the banking division of
 33 the department of ~~commerce~~ insurance and financial services,
 34 including the proportionate share of administrative expenses
 35 in the operation of the banking division attributable to the

1 finance bureau as determined by the superintendent, incurred
2 in the discharge of duties imposed upon the superintendent by
3 this chapter.

4 Sec. 2752. Section 535B.1, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. "*Administrator*" means the superintendent of the division
7 of banking of the department of ~~commerce~~ insurance and
8 financial services.

9 Sec. 2753. Section 535B.10, subsection 5, paragraph a, Code
10 2023, is amended to read as follows:

11 a. The licensee shall pay the cost of the examination or
12 investigation as determined by the administrator based on
13 the actual cost of the operation of the finance bureau of
14 the banking division of the department of ~~commerce~~ insurance
15 and financial services, including the proportionate share
16 of administrative expenses in the operation of the banking
17 division attributable to the finance bureau as determined by
18 the administrator, incurred in the discharge of duties imposed
19 upon the administrator by this chapter.

20 Sec. 2754. Section 535C.11, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:

22 This chapter does not apply to activities or arrangements
23 expressly approved or regulated by the department of ~~commerce~~
24 insurance and financial services.

25 Sec. 2755. Section 535D.11, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. The payment of application and renewal fees for licenses
28 through the nationwide mortgage licensing system and registry
29 and any additional fees as determined by the superintendent
30 based on the actual cost of the operation of the finance bureau
31 of the banking division of the department of ~~commerce~~ insurance
32 and financial services, including the proportionate share
33 of administrative expenses in the operation of the banking
34 division attributable to the finance bureau as determined by
35 the superintendent, incurred in the discharge of duties imposed

1 by this chapter.

2 Sec. 2756. Section 536.10, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. A licensee subject to examination, supervision,
5 and regulation by the superintendent shall pay to the
6 superintendent an examination fee based on the actual cost
7 of the operation of the regulated loan bureau of the banking
8 division of the department of ~~commerce~~ insurance and financial
9 services and the proportionate share of administrative expenses
10 in the operation of the banking division attributable to the
11 regulated loan bureau as determined by the superintendent.
12 The fee shall apply equally to all licenses and shall not be
13 changed more frequently than annually. A fee change shall be
14 effective on January 1 of the year following the year in which
15 the change is approved.

16 Sec. 2757. Section 536A.2, subsection 9, Code 2023, is
17 amended to read as follows:

18 9. "*Superintendent*" means the superintendent of banking
19 within the banking division of the department of ~~commerce~~
20 insurance and financial services.

21 Sec. 2758. Section 536A.15, subsection 4, Code 2023, is
22 amended to read as follows:

23 4. The licensee shall be charged and shall pay the actual
24 costs of the examination as determined by the superintendent
25 based on the actual cost of the operation of the finance bureau
26 of the banking division of the department of ~~commerce~~ insurance
27 and financial services including the proportionate share
28 of administrative expenses in the operation of the banking
29 division attributable to the finance bureau as determined by
30 the superintendent incurred in the discharge of the duties
31 imposed upon the superintendent by this chapter. Failure to
32 pay the examination fee within thirty days of receipt of demand
33 from the superintendent shall subject the licensee to a late
34 fee of five percent of the amount of the examination fee for
35 each day the payment is delinquent.

1 Sec. 2759. Section 537.2501, subsection 2, paragraph b,
2 subparagraph (3), unnumbered paragraph 1, Code 2023, is amended
3 to read as follows:

4 The premium rates have been affirmatively approved by the
5 insurance division of the department of ~~commerce~~ insurance and
6 financial services. In approving or establishing the rates,
7 the division shall review the insurance company's actuarial
8 data to assure that the rates are fair and reasonable. The
9 insurance commissioner shall either hire or contract with a
10 qualified actuary to review the data. The insurance division
11 shall obtain reimbursement from the insurance company for the
12 cost of the actuarial review prior to approving the rates.
13 In addition, the rates shall be made in accordance with the
14 following provisions:

15 Sec. 2760. Section 546.1, subsections 1 and 2, Code 2023,
16 are amended to read as follows:

17 1. "*Department*" means the department of ~~commerce~~ insurance
18 and financial services.

19 2. "*Director*" means the director of the department of
20 ~~commerce~~ insurance and financial services.

21 Sec. 2761. Section 546.2, subsections 1, 2, and 3, Code
22 2023, are amended to read as follows:

23 1. A department of ~~commerce~~ insurance and financial
24 services is created to coordinate and administer the various
25 regulatory, service, and licensing functions of the state
26 relating to the conducting of business or commerce in the
27 state.

28 2. The chief administrative officer of the department is the
29 director. The director shall be ~~appointed by the governor from~~
30 ~~among those individuals who serve as heads of the divisions~~
31 ~~within the department~~ the commissioner of insurance appointed
32 pursuant to section 505.2. A division head appointed to be the
33 The director shall fulfill the responsibilities and duties of
34 the director of the department in addition to the ~~individual's~~
35 director's responsibilities and duties as the head of a the

1 insurance division. ~~The director shall serve at the pleasure~~
 2 ~~of the governor. If the office of director becomes vacant,~~
 3 ~~the vacancy shall be filled in the same manner as the original~~
 4 ~~appointment was made.~~

5 3. The department is administratively organized into the
 6 following divisions:

- 7 a. Banking.
- 8 b. Credit union.
- 9 ~~c. Utilities.~~
- 10 ~~d. c.~~ Insurance.
- 11 ~~e. Alcoholic beverages.~~

12 Sec. 2762. Section 546.12, Code 2023, is amended to read as
 13 follows:

14 **546.12 Department of insurance and financial services**
 15 **commerce revolving fund.**

16 1. A ~~department of~~ commerce revolving fund is created in
 17 the state treasury. The fund shall consist of moneys collected
 18 by the banking division; credit union division; utilities
 19 ~~division~~ board, including moneys collected on behalf of the
 20 office of consumer advocate established in section 475A.3;
 21 and the insurance division of the department; and deposited
 22 into an account for that division, board, or office within
 23 the fund on a monthly basis. Except as otherwise provided
 24 by statute, all costs for operating the office of consumer
 25 advocate and the banking division, the credit union division,
 26 the utilities ~~division~~ board, and the insurance division of the
 27 department shall be paid from the division's accounts within
 28 the fund, subject to appropriation by the general assembly.
 29 The insurance division shall administer the fund and all other
 30 divisions shall work with the insurance division to make sure
 31 the fund is properly accounted and reported to the department
 32 of management and the department of administrative services.
 33 The divisions shall provide quarterly reports to the department
 34 of management and the legislative services agency on revenues
 35 billed and collected and expenditures from the fund in a format

1 as determined by the department of management in consultation
2 with the legislative services agency.

3 2. To meet cash flow needs for the office of consumer
4 advocate and the banking division, credit union division,
5 utilities ~~division~~ board, or the insurance division of the
6 department, the administrative head of that division, board,
7 or office may temporarily use funds from the general fund of
8 the state to pay expenses in excess of moneys available in
9 the revolving fund for that division, board, or office if
10 those additional expenditures are fully reimbursable and the
11 division, board, or office reimburses the general fund of the
12 state and ensures all moneys are repaid in full by the close
13 of the fiscal year. Notwithstanding any provision to the
14 contrary, the divisions shall, to the fullest extent possible,
15 make an estimate of billings and make such billings as early as
16 possible in each fiscal year, so that the need for the use of
17 general fund moneys is minimized to the lowest extent possible.
18 Periodic billings shall be deemed sufficient to satisfy this
19 requirement. Because any general fund moneys used shall be
20 fully reimbursed, such temporary use of funds from the general
21 fund of the state shall not constitute an appropriation for
22 purposes of calculating the state general fund expenditure
23 limitation pursuant to section 8.54.

24 3. Section 8.33 does not apply to any moneys credited or
25 appropriated to the commerce revolving fund from any other
26 fund.

27 4. The establishment of the commerce revolving fund
28 pursuant to this section shall not be interpreted in any
29 manner to compromise or impact the accountability of, or limit
30 authority with respect to, an agency or entity under state
31 law. Any provision applicable to, or responsibility of, a
32 division, board, or office collecting moneys for deposit into
33 the fund established pursuant to this section shall not be
34 altered or impacted by the existence of the fund and shall
35 remain applicable to the same extent as if the division, board,

1 or office were receiving moneys pursuant to a general fund
 2 appropriation. The divisions of the department of ~~commerce~~
 3 insurance and financial services shall comply with directions
 4 by the governor to executive branch departments regarding
 5 restrictions on out-of-state travel, hiring justifications,
 6 association memberships, equipment purchases, consulting
 7 contracts, and any other expenditure efficiencies that the
 8 governor deems appropriate.

9 Sec. 2763. Section 714E.6, subsection 4, Code 2023, is
 10 amended to read as follows:

11 4. Notwithstanding any other provision of this section,
 12 an action shall not be brought on the basis of a violation of
 13 this chapter, except by an owner against whom the violation was
 14 committed or by the attorney general. This limitation does not
 15 apply to administrative action by either the attorney general
 16 or the superintendent of the banking division of the department
 17 of ~~commerce~~ insurance and financial services.

18 Sec. 2764. Section 714F.8, subsection 3, paragraph b,
 19 subparagraph (1), Code 2023, is amended to read as follows:

20 (1) Make a payment to the foreclosed homeowner such that the
 21 foreclosed homeowner has received consideration in an amount
 22 of at least eighty-two percent of the fair market value of the
 23 property, as the property was when the foreclosed homeowner
 24 vacated the property, within ninety days of either the eviction
 25 or voluntary relinquishment of possession of the property by
 26 the foreclosed homeowner. The foreclosure purchaser shall make
 27 a detailed accounting of the basis for the payment amount, or
 28 a detailed accounting of the reasons for failure to make a
 29 payment, including providing written documentation of expenses,
 30 within this ninety-day period. The accounting shall be on a
 31 form prescribed by the attorney general, in consultation with
 32 the superintendent of the banking division of the department of
 33 ~~commerce~~ insurance and financial services without being subject
 34 to the rulemaking procedures of chapter 17A.

35 Sec. 2765. Section 714F.8, subsection 3, paragraph b,

1 subparagraph (2), subparagraph division (b), Code 2023, is
2 amended to read as follows:

3 (b) The time for determining the fair market value amount
4 shall be determined in the foreclosure reconveyance contract
5 as either at the time of the execution of the foreclosure
6 reconveyance contract or at resale. If the contract states
7 that the fair market value shall be determined at the time
8 of resale, the fair market value shall be the resale price
9 if it is sold within sixty days of the eviction or voluntary
10 relinquishment of the property by the foreclosed homeowner.
11 If the contract states that the fair market value shall
12 be determined at the time of resale, and the resale is not
13 completed within sixty days of the eviction or voluntary
14 relinquishment of the property by the foreclosed homeowner, the
15 fair market value shall be determined by an appraisal conducted
16 within one hundred eighty days of the eviction or voluntary
17 relinquishment of the property by the foreclosed homeowner
18 and payment, if required, shall be made to the foreclosed
19 homeowner, but the fair market value shall be recalculated as
20 the resale price on resale and an additional payment amount,
21 if appropriate, based on the resale price, shall be made to
22 the foreclosed homeowner within fifteen days of resale, and
23 a detailed accounting of the basis for the payment amount,
24 or a detailed accounting of the reasons for failure to make
25 additional payment, shall be made within fifteen days of
26 resale, including providing written documentation of expenses.
27 The accounting shall be on a form prescribed by the attorney
28 general, in consultation with the superintendent of the banking
29 division of the department of ~~commerce~~ insurance and financial
30 services, without being subject to the rulemaking procedures
31 of chapter 17A.

32 Sec. 2766. Section 714F.9, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. *Remedies.* A violation of this chapter is an unlawful
35 practice pursuant to section 714.16, and all the remedies of

1 section 714.16 are available for such an action. A private
 2 cause of action brought under this chapter by a foreclosed
 3 homeowner is in the public interest. A foreclosed homeowner
 4 may bring an action for a violation of this chapter. If
 5 the court finds a violation of this chapter, the court shall
 6 award to the foreclosed homeowner actual damages, appropriate
 7 equitable relief, and the costs of the action, and shall
 8 award reasonable fees to the foreclosed homeowner's attorney.
 9 Notwithstanding any other provision of this section, an action
 10 shall not be brought on the basis of a violation of this
 11 chapter except by a foreclosed homeowner against whom the
 12 violation was committed or by the attorney general. This
 13 limitation does not apply to administrative action by the
 14 superintendent of the banking division of the department of
 15 commerce insurance and financial services.

16 Sec. 2767. REPEAL. Section 524.202, Code 2023, is repealed.

17 DIVISION XVI

18 DEPARTMENT OF CORRECTIONS — JUDICIAL DISTRICT DEPARTMENTS OF
 19 CORRECTIONAL SERVICES AND COMMUNITY-BASED CORRECTIONAL PROGRAMS

20 Sec. 2768. Section 7E.5, subsection 1, paragraph n, Code
 21 2023, is amended to read as follows:

22 *n.* The department of corrections, created in section
 23 904.102, which has primary responsibility for corrections
 24 administration, corrections institutions, prison industries,
 25 judicial district departments of correctional services and
 26 the development, funding, and monitoring of community-based
 27 corrections programs.

28 Sec. 2769. Section 8D.2, subsection 5, paragraph a, Code
 29 2023, is amended to read as follows:

30 *a.* "*Public agency*" means a state agency, an institution
 31 under the control of the board of regents, the judicial
 32 branch as provided in section 8D.13, subsection 14, a school
 33 corporation, a city library, a county library as provided in
 34 chapter 336, ~~or a judicial district department of correctional~~
 35 ~~services established in section 905.2, to the extent provided~~

1 ~~in section 8D.13, subsection 12,~~ an agency of the federal
2 government, or a United States post office which receives a
3 federal grant for pilot and demonstration projects.

4 Sec. 2770. Section 80D.1, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. The governing body of a city, a county, the state
7 of Iowa, ~~or a judicial district department of correctional~~
8 ~~services~~ the Iowa department of corrections may provide, either
9 separately or collectively through a chapter 28E agreement, for
10 the establishment of a force of reserve peace officers, and may
11 limit the size of the reserve force. In the case of the state,
12 the department of public safety shall act as the governing
13 body.

14 Sec. 2771. Section 80D.6, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. Reserve peace officers shall serve as peace officers
17 on the orders and at the discretion of the chief of police,
18 sheriff, commissioner of public safety or the commissioner's
19 designee, or director of the ~~judicial district department of~~
20 ~~correctional services~~ Iowa department of corrections or the
21 director's designee, as the case may be.

22 Sec. 2772. Section 80D.7, Code 2023, is amended to read as
23 follows:

24 **80D.7 Carrying weapons.**

25 A member of a reserve force shall not carry a weapon in
26 the line of duty until the member has been approved by the
27 governing body and certified by the Iowa law enforcement
28 academy council to carry weapons. After approval and
29 certification, a reserve peace officer may carry a weapon in
30 the line of duty only when authorized by the chief of police,
31 sheriff, commissioner of public safety or the commissioner's
32 designee, or director of the ~~judicial district department of~~
33 ~~correctional services~~ Iowa department of corrections or the
34 director's designee, as the case may be.

35 Sec. 2773. Section 80D.9, Code 2023, is amended to read as

1 follows:

2 **80D.9 Supervision of reserve peace officers.**

3 1. Reserve peace officers shall be subordinate to regular
4 peace officers, shall not serve as peace officers unless
5 under the direction of regular peace officers, and shall
6 wear a uniform prescribed by the chief of police, sheriff,
7 commissioner of public safety, or director of the ~~judicial~~
8 ~~district department of correctional services~~ Iowa department of
9 corrections unless that superior officer designates alternate
10 apparel for use when engaged in assignments involving special
11 investigation, civil process, court duties, jail duties, and
12 the handling of mental patients. The reserve peace officer
13 shall not wear an insignia of rank.

14 2. Each department for which a reserve force is established
15 shall appoint a certified peace officer as the reserve force
16 coordinating and supervising officer. A reserve peace
17 officer force established in a ~~judicial district department of~~
18 ~~correctional services~~ by the Iowa department of corrections
19 must be directly supervised by a certified peace officer who is
20 on duty. That certified peace officer shall report directly
21 to the chief of police, sheriff, commissioner of public safety
22 or the commissioner's designee, or director of the ~~judicial~~
23 ~~district department of correctional services~~ Iowa department of
24 corrections or the director's designee, as the case may be.

25 Sec. 2774. Section 80D.11, Code 2023, is amended to read as
26 follows:

27 **80D.11 Employee — pay.**

28 While performing official duties, each reserve peace officer
29 shall be considered an employee of the governing body which the
30 officer represents and shall be paid a minimum of one dollar
31 per year. The governing body of a city, a county, the state,
32 or a ~~judicial district department of correctional services~~ the
33 Iowa department of corrections may provide additional monetary
34 assistance for the purchase and maintenance of uniforms and
35 equipment used by reserve peace officers.

1 Sec. 2775. Section 97B.49B, subsection 1, paragraph e,
2 subparagraph (14), Code 2023, is amended to read as follows:

3 (14) An employee of a ~~judicial district~~ the Iowa department
4 of ~~correctional services~~ corrections whose condition of
5 employment requires the employee to be certified by the Iowa
6 law enforcement academy and who is required to perform the
7 duties of a parole officer as provided in section 906.2.

8 Sec. 2776. Section 97B.49B, subsection 3, paragraph f, Code
9 2023, is amended by striking the paragraph.

10 Sec. 2777. Section 331.211, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. The board, at its first meeting in each year, shall:

13 ~~a. Organize by choosing~~ choose one of its members as
14 chairperson who shall preside at all of its meetings during the
15 year. The board may also select a vice chairperson who shall
16 serve during the absence of the chairperson.

17 ~~b. Choose one of its members to be a member of the board of~~
18 ~~directors of the judicial district department of correctional~~
19 ~~services as provided in section 905.3, subsection 1, paragraph~~
20 ~~"a", subparagraph (1).~~

21 Sec. 2778. Section 331.321, subsection 1, paragraph x, Code
22 2023, is amended by striking the paragraph.

23 Sec. 2779. Section 904.108, subsection 1, paragraph 1, Code
24 2023, is amended to read as follows:

25 1. Adopt rules, policies, and procedures, subject to
26 the approval of the board, pertaining to community-based
27 correctional programs, and the supervision of parole and work
28 release.

29 Sec. 2780. NEW SECTION. 904.301A **Appointment of directors.**

30 The director shall appoint, subject to the approval of the
31 board, a director for each judicial district department of
32 correctional services established in section 905.2.

33 Sec. 2781. Section 905.1, Code 2023, is amended to read as
34 follows:

35 **905.1 Definitions.**

1 As used in this chapter, unless the context otherwise
2 requires:

3 ~~1. "Administrative agent" means the county selected by the~~
4 ~~district board to perform accounting, budgeting, personnel,~~
5 ~~facilities management, insurance, payroll and other supportive~~
6 ~~services on the behalf of the district board, or the district~~
7 ~~department itself, if so designated by the district board.~~

8 ~~2.~~ 1. "Community-based correctional program" means
9 correctional programs and services, under the direction of a
10 director and the Iowa department of corrections, including
11 but not limited to an intermediate criminal sanctions program
12 in accordance with the corrections continuum in section
13 901B.1, designed to supervise and assist individuals who
14 are charged with or have been convicted of a felony, an
15 aggravated misdemeanor or a serious misdemeanor, or who
16 are on probation or parole in lieu of or as a result of a
17 sentence of incarceration imposed upon conviction of any
18 of these offenses, or who are contracted to the district
19 department for supervision and housing while on work release.
20 A community-based correctional program shall be designed by a
21 district department, under the direction and control of the
22 Iowa department of corrections, in a manner that provides
23 services in a manner free of disparities based upon an
24 individual's race or ethnic origin.

25 ~~3.~~ 2. "Director" means the director of a judicial district
26 department of correctional services, appointed by the director
27 of the Iowa department of corrections, and employed by the Iowa
28 department of corrections.

29 ~~4.~~ 3. "District advisory board" means the advisory board
30 of directors of a judicial district department of correctional
31 services.

32 ~~5.~~ 4. "District department" means a judicial district
33 department of correctional services, under the direction and
34 control of the Iowa department of corrections, established as
35 required by section 905.2.

1 ~~6. "Project" means a locally functioning part of a~~
 2 ~~community-based correctional program, officed and operating in~~
 3 ~~a physical location separate from the offices of the district~~
 4 ~~department.~~

5 ~~7. "Project advisory committee" means a committee of no more~~
 6 ~~than seven persons which shall act in an advisory capacity to~~
 7 ~~the director on matters pertaining to the planning, operation,~~
 8 ~~and other pertinent functions of each project in the judicial~~
 9 ~~district. The members of the project advisory committee for~~
 10 ~~each project shall be initially appointed by the director~~
 11 ~~from among the general public. Not more than one half of the~~
 12 ~~project advisory committee shall hold public office or public~~
 13 ~~employment during membership on the committee. A person who~~
 14 ~~holds public office as a county supervisor and serves on the~~
 15 ~~board of directors under section 905.3 shall not be a member of~~
 16 ~~a project advisory committee under this section. The terms of~~
 17 ~~the initial members of the project advisory committee shall be~~
 18 ~~staggered to permit the terms of just over half of the members~~
 19 ~~to expire in two years and those of the remaining members to~~
 20 ~~expire in one year. Subsequent appointments to the project~~
 21 ~~advisory committee shall be by vote of a majority of the whole~~
 22 ~~project advisory committee for two-year terms.~~

23 Sec. 2782. Section 905.2, Code 2023, is amended to read as
 24 follows:

25 **905.2 District departments established.**

26 ~~1. There is established in each judicial district in this~~
 27 ~~state a public agency to be known as the "..... judicial~~
 28 ~~district department of correctional services." Each district~~
 29 ~~department shall furnish or contract for those services~~
 30 ~~necessary to provide a community-based correctional program~~
 31 ~~which meets the needs of that judicial district requirements of~~
 32 ~~the Iowa department of corrections.~~

33 ~~2. The district department is under the direction of a~~
 34 ~~board of directors the Iowa department of corrections, selected~~
 35 ~~as provided in section 905.3, and shall be administered by a~~

1 director employed by the ~~board~~ Iowa department of corrections.
2 A district department is a state agency for purposes of chapter
3 669.

4 3. All employees of a district department shall be employees
5 of the Iowa department of corrections.

6 Sec. 2783. Section 905.3, Code 2023, is amended to read as
7 follows:

8 **905.3 ~~Board of directors — executive committee~~ District**
9 **advisory board — expenses reimbursed.**

10 1. ~~a. The board of directors of~~ A district advisory board
11 is established for each district department, which shall serve
12 in an advisory capacity to a director without compensation, and
13 shall be composed as follows:

14 (1) One member shall be ~~chosen~~ appointed annually by a
15 director ~~from and by the board of supervisors of each county~~
16 ~~in the judicial district and shall be so designated annually~~
17 ~~by the respective boards of supervisors at the organizational~~
18 ~~meetings held under section 331.211.~~

19 (2) ~~One member shall be chosen from each of the project~~
20 ~~advisory committees within the judicial district, which person~~
21 ~~shall be designated annually, no later than January 15, by and~~
22 ~~from the project advisory committee. However, in lieu of the~~
23 ~~designation of project advisory committee members as members of~~
24 ~~the district board, the district board may~~ The director shall
25 on or before December 31 appoint two citizen members to serve
26 on the district advisory board for the following calendar year.

27 (3) ~~A number of members equal to the number of authorized~~
28 ~~board members from project advisory committees or equal to the~~
29 ~~number of citizen members shall be appointed by the chief judge~~
30 ~~of the judicial district no later than January 15 of each year~~
31 on or before December 31 to serve on the district advisory
32 board for the following calendar year.

33 ~~b. Within thirty days after the members of the district~~
34 ~~board have been so designated for the year, the district~~
35 ~~board shall organize by election of a chairperson, a vice~~

1 chairperson, and members of the executive committee as required
2 by subsection 2. The district advisory board shall meet at
3 least not more often than quarterly during the calendar year
4 but may meet more frequently upon the call of the chairperson
5 or upon a call signed by a majority, determined by weighted
6 vote computed as in subsection 4, of the members of the board.

7 2. Each district board shall have an executive committee
8 consisting of the chairperson and vice chairperson and at
9 least one but no more than five other members of the district
10 board. Either the chairperson or the vice chairperson shall
11 be a supervisor, and the remaining representation on the
12 executive committee shall be divided as equally as possible
13 among supervisor members, project advisory committee members
14 or citizen members, and judicially appointed members. The
15 executive committee may exercise all of the powers and
16 discharge all of the duties of the district board, as
17 prescribed by this chapter, except those specifically withheld
18 from the executive committee by action of the district board.

19 3. 2. The members of the district advisory board and of
20 the executive committee shall be reimbursed from funds of the
21 district department for travel and other expenses necessarily
22 incurred in attending meetings of those bodies, or while
23 otherwise engaged on business of the district department.

24 4. Each member of the district board shall have one vote
25 on the board. However, upon the request of any supervisory
26 member, the vote on any matter before the board shall be
27 taken by weighted vote. In each such case, the vote of the
28 supervisor representative of the least populous county in the
29 judicial district shall have a weight of one unit, and the vote
30 of each of the other supervisor members shall have a weight
31 which bears the same proportion to one unit as the population
32 of the county that supervisor member represents bears to the
33 population of the least populous county in the district. In
34 the event of weighted vote, the vote of each member appointed
35 from a project advisory committee or of each citizen member and

1 ~~of each judicially appointed member shall have a weight of one~~
2 ~~unit.~~

3 Sec. 2784. Section 905.4, Code 2023, is amended to read as
4 follows:

5 **905.4 Duties of the district advisory board.**

6 The district advisory board shall:

- 7 1. Adopt bylaws and rules for the conduct of its own
8 business ~~and for the government of the district department's~~
9 ~~community-based correctional program.~~
- 10 2. ~~Employ a director having the qualifications required by~~
11 ~~section 905.6 to head the district department's community-based~~
12 ~~correctional program and, within a range established by the~~
13 ~~Iowa department of corrections, fix the compensation of and~~
14 ~~have control over the director and the district department's~~
15 ~~staff. For purposes of collective bargaining under chapter~~
16 ~~20, employees of the district board who are not exempt from~~
17 ~~chapter 20 are employees of the state, and the employees of all~~
18 ~~of the district boards shall be included within one collective~~
19 ~~bargaining unit.~~
- 20 3. ~~Designate one of the counties in the judicial district~~
21 ~~to serve as the district department's administrative agent~~
22 ~~to provide, in that capacity, all accounting, personnel,~~
23 ~~facilities management and supportive services needed by the~~
24 ~~district department, on terms mutually agreeable in regard~~
25 ~~to advancement of funds to the county for the added expense~~
26 ~~it incurs as a result of being so designated. However, the~~
27 ~~district board may designate the district department itself as~~
28 ~~the district department's administrative agent, if the district~~
29 ~~board determines that it would be more efficient and less~~
30 ~~costly than designating a county as the administrative agent.~~
- 31 4. ~~File with the board of supervisors of each county in the~~
32 ~~district and with the Iowa department of corrections, within~~
33 ~~ninety days after the close of each fiscal year, a report~~
34 ~~covering the district board's proceedings and a statement of~~
35 ~~receipts and expenditures during the preceding fiscal year.~~

1 ~~5. 2. Arrange for, by contract or on such alternative~~
 2 ~~basis as may be mutually acceptable, and equip~~ Advise the
 3 director concerning suitable quarters at one or more sites in
 4 the district as may be necessary for the district department's
 5 community-based correctional program, ~~provided that the~~
 6 ~~board shall to the greatest extent feasible utilize existing~~
 7 ~~facilities and shall keep capital expenditures for acquisition,~~
 8 ~~renovation and repair of facilities to a minimum. The~~
 9 ~~district board shall not enter into lease-purchase agreements~~
 10 ~~for the purposes of constructing, renovating, expanding, or~~
 11 ~~otherwise improving a community-based correctional facility or~~
 12 ~~office unless express authorization has been granted by the~~
 13 ~~general assembly, and current funding is adequate to meet the~~
 14 ~~lease-purchase obligation.~~

15 ~~6. Have authority to accept property by gift, devise,~~
 16 ~~bequest or otherwise and to sell or exchange any property~~
 17 ~~so accepted and apply the proceeds thereof, or the property~~
 18 ~~received in exchange therefor, to the purposes enumerated in~~
 19 ~~subsection 5.~~

20 ~~7. 3. Recruit, and promote, accept and use local financial~~
 21 ~~support for the district department's community-based~~
 22 ~~correctional program from private sources such as community~~
 23 ~~service funds, business, industrial and private foundations,~~
 24 ~~voluntary agencies and other lawful sources.~~

25 ~~8. Accept and expend state and federal funds available~~
 26 ~~directly to the district department for all or any part of the~~
 27 ~~cost of its community-based correctional program.~~

28 ~~9. Arrange, by contract or on an alternative basis mutually~~
 29 ~~acceptable, and with approval of the director of the Iowa~~
 30 ~~department of corrections or that director's designee for~~
 31 ~~utilization of existing local treatment and service resources,~~
 32 ~~including but not limited to employment, job training,~~
 33 ~~general, special, or remedial education; psychiatric and~~
 34 ~~marriage counseling; and alcohol and drug abuse treatment and~~
 35 ~~counseling. It is the intent of this chapter that a district~~

~~1 board shall approve the development and maintenance of such
2 resources by its own staff only if the resources are otherwise
3 unavailable to the district department within reasonable
4 proximity to the community where these services are needed in
5 connection with the community-based correctional program.~~

~~6 10. Establish a project advisory committee to act in an
7 advisory capacity on matters pertaining to the planning,
8 operation, and other pertinent functions of each project in the
9 judicial district.~~

~~10 11. Have authority to establish a force of reserve peace
11 officers, either separately or collectively through a chapter
12 28E agreement, as provided in chapter 80D.~~

13 Sec. 2785. Section 905.6, Code 2023, is amended to read as
14 follows:

15 **905.6 Duties of director.**

16 The director employed by the ~~district board under section~~
17 ~~905.4, subsection 2,~~ Iowa department of corrections shall be
18 qualified in the administration of correctional programs. The
19 director shall:

20 1. Perform the duties and have the responsibilities
21 ~~delegated by the district board or specified by the Iowa~~
22 ~~department of corrections pursuant to this chapter.~~

23 2. Manage the district department's community-based
24 correctional program, in accordance with the policies of the
25 ~~district board and the Iowa department of corrections.~~

26 3. Employ, with approval of the ~~district board~~ Iowa
27 department of corrections, and supervise the employees of the
28 district department, including reserve peace officers, if a
29 force of reserve peace officers has been established.

30 4. Prepare all budgets and fiscal documents, and certify
31 for payment all expenses and payrolls lawfully incurred by
32 the district department. ~~The director may invest funds which~~
33 ~~are not needed for current expenses, jointly with one or more~~
34 ~~cities, city utilities, counties, or rural water districts~~
35 ~~created under chapter 357A pursuant to a joint investment~~

1 ~~agreement. All investment of funds shall be subject to~~
2 ~~sections 12B.10 and 12B.10A and other applicable law.~~

3 5. Act as secretary to the district advisory board, prepare
4 its agenda and record its proceedings. The district shall
5 provide a copy of minutes from each meeting of the district
6 advisory board to the legislative services agency.

7 6. Develop and submit to the ~~district board~~ Iowa department
8 of corrections a plan for the establishment, implementation,
9 and operation of a community-based correctional program in that
10 judicial district, which program conforms to the guidelines
11 drawn up by the Iowa department of corrections under this
12 chapter and which conform to rules, policies, and procedures
13 pertaining to the supervision of parole and work release
14 adopted by the director of the Iowa department of corrections
15 concerning the community-based correctional program.

16 7. Negotiate and, upon approval by the ~~district board~~
17 Iowa department of corrections, implement contracts or other
18 arrangements for utilization of local treatment and service
19 resources authorized by ~~section 905.4~~, subsection 9 15.

20 8. Administer the batterers' treatment program for domestic
21 abuse offenders required in section 708.2B.

22 9. Notify the board of parole, thirty days prior to release,
23 of the release from a residential facility operated by the
24 district department of a person serving a sentence under
25 section 902.12.

26 10. File with the director of the Iowa department of
27 corrections, within ninety days after the close of each
28 fiscal year, a report covering the district advisory board's
29 proceedings and a statement of receipts and expenditures during
30 the preceding fiscal year.

31 11. Arrange for, upon approval of the Iowa department of
32 corrections, by contract or on such alternative basis as may
33 be mutually acceptable, and equip suitable quarters at one or
34 more sites in the district as may be necessary for the district
35 department's community-based correctional program, provided

1 that the director shall to the greatest extent feasible utilize
2 existing facilities and shall keep capital expenditures for
3 acquisition, renovation, and repair of facilities to a minimum.
4 The director shall not enter into lease-purchase agreements
5 for the purposes of constructing, renovating, expanding, or
6 otherwise improving a community-based correctional facility or
7 office unless express authorization has been granted by the
8 general assembly, and current funding is adequate to meet the
9 lease-purchase obligation.

10 12. Have authority to accept property by gift, devise,
11 bequest, or otherwise, and to sell or exchange any property
12 so accepted and apply the proceeds thereof, or the property
13 received in exchange therefor, to the purposes enumerated in
14 subsection 11.

15 13. Recruit, promote, accept, and use local financial
16 support for the district department's community-based
17 correctional program from private sources such as community
18 service funds, business, industrial and private foundations,
19 voluntary agencies, and other lawful sources.

20 14. Accept and expend state and federal funds available
21 directly to the district department for all or any part of the
22 cost of its community-based correctional program.

23 15. Arrange, by contract or on an alternative basis mutually
24 acceptable, and with approval of the director of the Iowa
25 department of corrections or that director's designee for
26 utilization of existing local treatment and service resources,
27 including but not limited to employment, job training,
28 general, special, or remedial education; psychiatric and
29 marriage counseling; and substance use disorder treatment and
30 counseling.

31 16. Have authority to establish a force of reserve peace
32 officers, either separately or collectively through a chapter
33 28E agreement, as provided in chapter 80D.

34 Sec. 2786. Section 905.9, Code 2023, is amended to read as
35 follows:

1 **905.9 Report of review — sanction.**

2 Upon completion of a review of a district community-based
3 correctional program, made under section 905.8, the Iowa
4 department of corrections shall submit its findings to the
5 district advisory board in writing. If the Iowa department
6 of corrections concludes that the district department's
7 community-based correctional program fails to meet any of the
8 requirements of this chapter and of the guidelines adopted
9 under section 905.7, it shall also request in writing a
10 response to this finding from the district advisory board.
11 If a response is not received within sixty days after the
12 date of that request, or if the response is unsatisfactory,
13 the Iowa department of corrections may call a public hearing
14 on the matter. If after the hearing, the Iowa department
15 of corrections is not satisfied that the district's
16 community-based correctional program will expeditiously be
17 brought into compliance with the requirements of this chapter
18 and of the guidelines adopted under section 905.7, it may
19 assume responsibility for administration of the district's
20 community-based correctional program on an interim basis.

21 Sec. 2787. REPEAL. Section 905.5, Code 2023, is repealed.

22 Sec. 2788. TRANSITION PROVISIONS.

23 1. Any rule promulgated by a district board of a judicial
24 district department of correctional services as required to
25 administer and enforce the provisions of chapter 905 shall
26 continue in full force and effect until amended, repealed, or
27 supplemented by affirmative action of the Iowa department of
28 corrections.

29 2. Any contract entered into by a district board of a
30 judicial district department of correctional services relating
31 to the provisions of chapter 905 in effect on the effective
32 date of this Act shall continue in full force and effect
33 pending transfer of such contract to the Iowa department of
34 corrections.

35 3. Any moneys remaining in any account or fund under the

1 control of a district board of a judicial district department
2 of correctional services on the effective date of this division
3 of this Act and relating to the provisions of this division of
4 this Act shall be transferred to a comparable fund or account
5 under the control of the Iowa department of corrections.
6 Notwithstanding section 8.33, the moneys transferred in
7 accordance with this subsection shall not revert to the account
8 or fund from which appropriated or transferred.

9 Sec. 2789. TRANSITION — APPOINTMENT AND TERM OF DISTRICT
10 BOARD MEMBERS. This division of this Act shall not affect the
11 appointment or term of a member serving on a district board
12 of a judicial district department of correctional services
13 immediately prior to the effective date of this division of
14 this Act.

15 Sec. 2790. APPLICABILITY — VIOLATION OF CONDITIONS OF
16 PAROLE OR PROBATION.

17 1. This division of this Act shall not be construed to
18 affect a district department, probation officer, or parole
19 officer's authority, having probable cause, to arrest a person
20 on probation or parole that is believed to have violated the
21 conditions of supervision, consistent with sections 907.2,
22 907.6, 908.1, and 908.11, and any administrative rules
23 promulgated thereunder.

24 2. This division of this Act shall not be construed to
25 affect a district department's ability to establish probation
26 conditions that meet the approval of the chief judge of the
27 district, consistent with section 907.6 and any administrative
28 rules promulgated thereunder.

29 3. This division of this Act shall not be construed to
30 affect the authority of the board of parole to establish and
31 approve standard parole conditions.

32 DIVISION XVII

33 BOARD OF PAROLE

34 Sec. 2791. Section 904A.1, Code 2023, is amended to read as
35 follows:

1 **904A.1 Board of parole — organization.**

2 1. The board of parole is created to consist of five
 3 ~~members. Each member, except the chairperson and the vice~~
 4 ~~chairperson, shall be compensated on a day-to-day basis shall~~
 5 ~~be appointed by the governor subject to confirmation by the~~
 6 ~~senate.~~ Each member shall serve a term of four years beginning
 7 and ending as provided by section 69.19, except for members
 8 appointed to fill vacancies who shall serve for the balance
 9 of the unexpired term. The terms shall be staggered. ~~The~~
 10 ~~chairperson and vice chairperson~~ All members of the board shall
 11 be full-time, salaried members ~~of the board.~~ A majority of the
 12 members of the board constitutes a quorum to transact business.
 13 2. The governor shall appoint a member of the board as
 14 the chairperson of the board, subject to confirmation by the
 15 senate. The appointment as chairperson shall serve at the
 16 pleasure of the governor.

17 Sec. 2792. Section 904A.6, Code 2023, is amended to read as
 18 follows:

19 **904A.6 Salaries and expenses.**

20 ~~Each member, except the chairperson and the vice~~
 21 ~~chairperson, of the board shall be paid per diem as determined~~
 22 ~~by the general assembly. The chairperson and vice chairperson~~
 23 of the board shall be paid a salary as determined by the
 24 general assembly. Each member of the board and all employees
 25 are entitled to receive, in addition to their ~~per diem or~~
 26 salary, their necessary maintenance and travel expenses while
 27 engaged in official business.

28 Sec. 2793. REPEAL. Sections 904A.2A and 904A.3, Code 2023,
 29 are repealed.

30 Sec. 2794. TRANSITION — APPOINTMENT AND TERM OF BOARD OF
 31 PAROLE MEMBERS. This division of this Act shall not affect the
 32 appointment or term of a member serving on the board of parole
 33 immediately prior to the effective date of this division of
 34 this Act.

35 DIVISION XVIII

1 SALARIES OF APPOINTED STATE OFFICERS

2 Sec. 2795. APPOINTED STATE OFFICERS — SALARY RANGES.

3 1. Unless otherwise provided by law, the governor shall
4 establish a salary for nonelected persons appointed by the
5 governor within the executive branch of state government.
6 In establishing a salary for a person holding a position
7 enumerated in subsection 3 within the range provided, the
8 governor may consider, among other items, the experience of
9 the person in the position, changes in the duties of the
10 position, the incumbent's performance of assigned duties,
11 and subordinates' salaries. However, the attorney general
12 shall establish the salary of the consumer advocate, the
13 chief justice of the supreme court shall establish the salary
14 of the state court administrator, the ethics and campaign
15 disclosure board shall establish the salary of the executive
16 director, the Iowa public information board shall establish
17 the salary of the executive director, the board of regents
18 shall establish the salary of the executive director, and the
19 Iowa public broadcasting board shall establish the salary of
20 the administrator of the public broadcasting division of the
21 department of education, each within the salary range provided
22 in subsection 3.

23 2. A person whose salary is established pursuant to this
24 section and who is a full-time, year-round employee of the
25 state shall not receive any other remuneration from the state
26 or from any other source for the performance of that person's
27 duties unless the additional remuneration is first approved by
28 the governor or authorized by law. However, this subsection
29 does not apply to reimbursement for necessary travel and
30 expenses incurred in the performance of duties or fringe
31 benefits normally provided to employees of the state.

32 3. a. The following annual salary ranges for appointed
33 state officers are effective for the positions specified in
34 this subsection for the fiscal year beginning July 1, 2023,
35 effective for the pay period beginning June 23, 2023, and

1 for subsequent fiscal years until otherwise provided by the
 2 general assembly. The governor or other person designated
 3 in subsection 1 shall determine the salary to be paid to the
 4 person indicated at a rate within the applicable salary range
 5 from moneys appropriated by the general assembly for that
 6 purpose.

7	SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
8	(1) Range 4	\$ 63,690	\$ 97,460
9	(2) Range 5	\$ 73,250	\$112,070
10	(3) Range 6	\$ 84,240	\$128,890
11	(4) Range 7	\$100,840	\$154,300

12 b. The following are range 4 positions: chairperson and
 13 members of the employment appeal board of the department of
 14 inspections, appeals, and licensing, director of the Iowa state
 15 civil rights commission, director of the department for the
 16 blind, executive director of the ethics and campaign disclosure
 17 board, executive director of the Iowa public information board,
 18 and chairperson, vice chairperson, and members of the board of
 19 parole.

20 c. The following are range 5 positions: state public
 21 defender, labor commissioner, workers' compensation
 22 commissioner, director of the law enforcement academy, and
 23 executive director of the public employment relations board.

24 d. The following are range 6 positions: superintendent of
 25 banking, superintendent of credit unions, consumer advocate,
 26 and chairperson and members of the utilities board.

27 e. The following are range 7 positions: administrator
 28 of the public broadcasting division of the department of
 29 education, executive director of the Iowa telecommunications
 30 and technology commission, executive director of the state
 31 board of regents, lottery administrator of the department of
 32 revenue, and state court administrator.

33 Sec. 2796. Section 8A.102, subsection 2, Code 2023, is
 34 amended to read as follows:

35 2. The person appointed as director shall be professionally

1 qualified by education and have no less than five years'
2 experience in the field of management, public or private sector
3 personnel administration including the application of merit
4 principles in employment, financial management, and policy
5 development and implementation. The appointment shall be made
6 without regard for political affiliation. The director shall
7 not be a member of any local, state, or national committee
8 of a political party, an officer or member of a committee in
9 any partisan political club or organization, or hold or be a
10 candidate for a paid elective public office. The director is
11 subject to the restrictions on political activity provided
12 in section 8A.416. The governor shall set the salary of the
13 director ~~within pay grade nine.~~

14 Sec. 2797. Section 80.2, Code 2023, is amended to read as
15 follows:

16 **80.2 Commissioner — appointment.**

17 The chief executive officer of the department of public
18 safety is the commissioner of public safety. The governor
19 shall appoint, subject to confirmation by the senate, a
20 commissioner of public safety, who shall be a person of
21 high moral character, of good standing in the community in
22 which the commissioner lives, of recognized executive and
23 administrative capacity, and who shall not be selected on the
24 basis of political affiliation. The commissioner of public
25 safety shall devote full time to the duties of this office; the
26 commissioner shall not engage in any other trade, business, or
27 profession, nor engage in any partisan or political activity.
28 The commissioner shall serve at the pleasure of the governor,
29 ~~at an annual salary as fixed by the general assembly.~~

30 Sec. 2798. Section 84A.1, subsection 2, paragraph b, Code
31 2023, is amended to read as follows:

32 b. The governor shall set the salary of the director
33 ~~within the applicable salary range established by the general~~
34 ~~assembly.~~

35 Sec. 2799. Section 256.10, subsection 1, Code 2023, is

1 amended to read as follows:

2 1. The salary of the director shall be fixed by the governor
3 ~~within a range established by the general assembly.~~

4 Sec. 2800. Section 307.11, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. The director shall receive a salary as fixed by the
7 governor ~~within a salary range set by the general assembly.~~

8 Sec. 2801. Section 455A.3, Code 2023, is amended to read as
9 follows:

10 **455A.3 Director — qualifications.**

11 The chief administrative officer of the department is
12 the director who shall be appointed by the governor, subject
13 to confirmation of the senate, and serve at the governor's
14 pleasure. The governor shall make the appointment based on
15 the appointee's training, experience, and capabilities. The
16 director shall be knowledgeable in the general field of natural
17 resource management and environmental protection. The salary
18 of the director shall be fixed by the governor ~~within salary~~
19 ~~guidelines or a range established by the general assembly.~~

20 Sec. 2802. EFFECTIVE DATE. This division of this Act takes
21 effect June 23, 2023.

22 **DIVISION XIX**

23 **BOARDS AND COMMISSIONS**

24 Sec. 2803. **BOARDS AND COMMISSIONS REVIEW COMMITTEE —**
25 **REPORT.**

26 1. A boards and commissions review committee shall be
27 established to study the efficiency and effectiveness of each
28 board, council, commission, committee, or other similar entity
29 of the state established by the Code. The committee shall
30 evaluate the extent to which the goals and objectives of those
31 entities are currently being met and make recommendations for
32 the continuation, elimination, consolidation, or reorganization
33 of those entities as needed.

34 2. The committee shall consist of six voting members and
35 four ex officio, nonvoting members.

1 a. The voting members of the committee shall be composed of
2 all of the following:

3 (1) One staff member of the governor's office, appointed by
4 the governor.

5 (2) The administrative rules coordinator or the
6 coordinator's designee.

7 (3) The director of the department of management or the
8 director's designee.

9 (4) The director of the department of inspections, appeals,
10 and licensing or the director's designee.

11 (5) One assistant attorney general, appointed by the
12 governor upon recommendation of the attorney general.

13 (6) One member of the public, appointed by the governor.

14 b. The ex officio, nonvoting members of the committee shall
15 be two state representatives, one appointed by the speaker of
16 the house of representatives and one by the minority leader
17 of the house of representatives, and two state senators, one
18 appointed by the majority leader of the senate and one by the
19 minority leader of the senate.

20 3. The office of the governor shall provide staffing for
21 the committee. The committee may seek the expertise and
22 services of individuals or entities outside of its membership
23 for research, advice, consultation, support, or other needs in
24 furtherance of its responsibilities.

25 4. The committee shall submit a report containing its
26 findings and recommendations to the governor and the general
27 assembly on or before September 30, 2023.

28 5. All departments, agencies, boards, councils,
29 commissions, committees, or other similar entity of the
30 state established by the Code shall cooperate fully with the
31 committee in its review process.

32 6. This section is repealed January 1, 2024.

33 DIVISION XX

34 MISCELLANEOUS PROVISIONS

35 Sec. 2804. IRRECONCILABLE AMENDMENTS. If an amendment

1 to a statute in this Act is irreconcilable with an amendment
2 made to the same statute that is contained in division I of
3 this Act that implements the transition of the department of
4 human services and the department of public health into the
5 department of health and human services as required in 2022
6 Iowa Acts, chapter 1131, section 51, the amendment to the
7 statute that is not contained in division I of this Act shall
8 prevail over and shall be codified instead of the amendment
9 to the same statute that is contained in division I of this
10 Act that implements the transition of the department of
11 human services and the department of public health into the
12 department of health and human services.

13 Sec. 2805. TRANSITION PROVISIONS.

14 1. Administrative rules.

15 a. Any rule, regulation, form, order, or directive
16 promulgated by any state agency mentioned in this Act,
17 including any agency abolished, merged, or altered in this Act,
18 and in effect on July 1, 2023, shall continue in full force and
19 effect until amended, repealed, or supplemented by affirmative
20 action of the appropriate state agency under the duties and
21 powers of state agencies as established in this Act and under
22 the procedure established in paragraph "b", if applicable.

23 b. In regard to updating references and format in the
24 Iowa administrative code in order to correspond to the
25 restructuring of state government as established in this Act,
26 the administrative rules coordinator and the administrative
27 rules review committee, in consultation with the administrative
28 code editor, shall jointly develop a schedule for the necessary
29 updating of the Iowa administrative code.

30 2. Legal obligations.

31 a. Any license or permit issued by any state agency
32 mentioned in this Act, including any agency abolished, merged,
33 or altered in this Act, and in effect on July 1, 2023, shall
34 continue in full force and effect until expiration or renewal.

35 b. Any loan, grant, or item of value awarded, or contract

1 entered into, as of July 1, 2023, by any state agency mentioned
2 in this Act, including any agency abolished, merged, or altered
3 in this Act, shall continue in full force and effect pursuant
4 to the terms of the award of such loan, grant, item of value,
5 or contract.

6 3. Funds. Any funds in any account or fund that is
7 altered in this Act, or of a state agency abolished, merged,
8 or altered in this Act, shall be transferred to the comparable
9 fund or account or state agency as provided by this Act.
10 Notwithstanding section 8.33, moneys transferred in accordance
11 with this subsection shall not revert to the account or fund
12 from which appropriated or transferred.

13 4. Litigation. Any administrative hearing, cause of
14 action, or statute of limitation relating to a state agency
15 transferred to another state agency as provided by this Act
16 shall not be affected as a result of the transfer and such
17 cause or statute of limitation shall apply to the successor
18 state agency.

19 5. Boards and commissions. The holder of any position of
20 membership on any board, committee, commission, or council in
21 state government shall continue to hold such position until
22 the end of the member's term of office, notwithstanding any
23 change in the name or organizational location of such board,
24 committee, commission, or council that is made by this Act.

25 6. Signs and insignia. Any replacement of signs, logos,
26 stationery, insignia, uniforms, and related items that is made
27 due to the effect of this Act should be done as part of the
28 normal replacement cycle for such items.

29 Sec. 2806. APPLICABILITY. The transition provisions in
30 this division of this Act, to the extent not inconsistent with
31 alternative provisions specifically provided by law or this
32 Act, shall apply to this Act.